FEDERAL REGISTER

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Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3167]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CEMENT INSTITUTE, ET AL.

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To eliminate competitive purchasing—By withholding sales or threats of:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (g 5) *Combining or consipiring—To nullify Government rate advantages:* § 3.297 *Controlling, after purchase, goods' destination or use:* § 3.30 (g) *Cutting off competitors' access to customers or market—Withholding supplies or goods from competitors' customers:* § 3.45 (a) *Discriminating in price—Basing points and delivered price systems:* § 3.90 (c 5) *Spying on competitors or customers—In concert or cooperatively.* In or in connection with the offering for sale, sale and distribution of Portland cement in interstate commerce, and on the part of respondent Cement Institute, its officers, etc., and 75 member corporations, and their respective officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) quote or sell cement at prices calculated or determined pursuant to or in accordance with the multiple basing-point delivered-price system; or quote or sell cement pursuant to or in accordance with any other plan or system which results in identical price quotations or prices for cement at points of quotation or sale or to particular purchasers by respondents using such plan or system, or which prevents purchasers from finding any advantage in price in dealing with one or more of the respondents against any of the other respondents; (2) in connection with or in aid or support of any plan, system, acts, or practices prohibited in paragraph 1 above (a) refuse or decline to quote or sell cement at the location of the producing mill at a price effective at such location; (b) refuse or decline, when quoting or selling cement at a price effective at the location of the producing mill, to allow purchasers to provide transportation by any means, at any cost, or to any place they may desire; (c) quote or sell cement at f. o. b. mill prices calculated by deducting actual common-carrier transportation charges from delivered-price quotations or delivered prices which are equivalent to the sum of the base price at, plus common-carrier transportation charges from, any point other than the actual shipping point; (d) quote or sell cement ostensibly at f. o. b. mill prices, but which prices, plus common-carrier transportation charges to purchasers' destinations, are systematically equivalent to identical delivered costs to such purchasers from differently located mills; (e) quote or sell cement at delivered prices calculated as or systematically equivalent to the sum of the base price in effect at, plus common-carrier transportation charges from, any point other than the actual shipping point; (f) quote or sell cement at delivered prices which systematically include a common-carrier transportation factor greater or less than the actual cost of such common-carrier transportation from the point of shipment to destination; (g) quote or sell cement at delivered prices which systematically include a freight factor representing transportation by a common carrier having higher rates than the means of transportation actually employed; (h) quote or sell cement at destination-cost figures accompanied by a requirement that for invoicing purposes the f. o. b. mill price shall be determined by making specified deductions from said destination cost figures; (i) quote or sell cement to any instrumentality of the Federal Government in a manner or upon terms which deprive the Government of all or any part of the benefits of land-grant or other special common-carrier rates to which it may be lawfully entitled; (j) collect, compile, circulate, or exchange information concerning common-carrier transportation charges for

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FEDERAL REGISTER

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cement used or to be used as a factor in the price of cement, or use, directly or indirectly, any such information so compiled or received as a factor in the price of cement; (k) control or attempt to control the destination or use of cement after the acquisition of title thereto by the purchaser; (l) determine upon any basis for the selection or classification of customers, or use any basis so determined for selecting or classifying customers; (m) determine upon the projects or types of projects for which, or the purchasers or classes of purchasers to whom, sales of cement will or will not be made directly by respondents; (n) collect, compile and circulate, or exchange statistical data which reveal the individual production, stocks, sales, or shipments of cement of an any corporate respondent to other corporate respondents; (o) maintain any form of espionage for the purpose of determining whether or not their customers purchase or deal in imported cement; or discontinue or threaten to discontinue sales of cement to customers because they purchase or deal in imported cement; (p) determine upon any discounts, package charges or refunds thereon, or other terms or conditions of sale, or use any discounts, package charges or refunds thereon, or other terms or conditions of sale so determined; (3) discriminate in price between or among their respective customers by systematically charging and accepting mill net prices which differ by the amounts necessary to produce delivered costs to purchasers identical with delivered costs available to such purchasers through purchases from other respondents; and (4) use any means substantially similar to those specifically set out in this order with the purpose or effect of accomplishing any of the things prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 b; sec. 2 (a), 49 Stat. 1526, 15 U.S.C., sec. 13 (a)) [Cease and desist order, Cement Institute, et al., Docket 3167, July 17, 1943]

In the Matter of The Cement Institute, an Unincorporated Association; S. W. Storey, President, and G. H. Reiter, Secretary, and the Vice President, Treasurer, and Trustees of The Cement Institute; and Aetna Portland Cement Company, Alpha Portland Cement Company, Arkansas Portland Cement Company, Ash Grove Lime & Portland Cement Company, Beaver Portland Cement Company, The Bessemer Limestone & Cement Company, Calaveras Cement Company, California Portland Cement Company, Castalia Portland Cement Company, Colorado Portland Cement Company, Consolidated Cement Corporation, Coplay Cement Manufacturing Company, Cumberland Portland Cement Company, Dewey Portland Cement Company, Diamond Portland Cement Company, Edison Cement Corporation, The Federal Portland Cement Company, Inc., Florida Portland Cement Company, Georgia Cement & Products Company, Giant Portland Cement Company, The Glens Falls Portland Cement Company, Great Lakes Portland Cement Corporation, Green Bag Cement Company of Pennsylvania, Green Bag Cement Company of West Virginia, Hawkeye Portland Cement Company, Hercules Cement Corporation, Hermitage Portland Cement Company, Huron Portland Cement Company, Idaho Portland Cement Company, International Cement Corporation, Keystone Portland Cement Company, Kosmos Portland Cement Company, Lawrence Portland Cement Company, Lehigh Portland Cement Company, Marquette Cement Manufacturing Company, Medusa Portland Cement Company, Missouri

Portland Cement Company, The Monarch Cement Company, Monolith Portland Cement Company, Monolith Portland Midwest Company, National Cement Company, Nazareth Cement Company, Nebraska Cement Company, North American Cement Corporation, Northwestern Portland Cement Company, Northwestern States Portland Cement Company, Oklahoma Portland Cement Company, Oregon Portland Cement Company, Pacific Portland Cement Company, Peerless Cement Corporation, Pennsylvania-Dixie Cement Corporation, Petoskey Portland Cement Company, Pittsburgh Plate Glass Company, Portland Cement Company of Utah, Riverside Cement Company, Santa Cruz Portland Cement Company, Signal Mountain Portland Cement Company, Southern States Portland Cement Company, Southwestern Portland Cement Company, Spokane Portland Cement Company, Standard Portland Cement Company, Superior Cement Corporation, Superior Portland Cement, Inc., Three Forks Portland Cement Company, Trinity Portland Cement Company, Union Portland Cement Company, Universal Atlas Cement Company, Valley Forge Cement Company, Volunteer Portland Cement Company, Vulcanite Portland Cement Company, Wabash Portland Cement Company, West Penn Cement Company, The Whitehall Cement Manufacturing Company, Wolverine Portland Cement Company, Yosemite Portland Cement Corporation, corporations, members of The Cement Institute

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, various motions and appeals, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and of subsection (a) of section 2 of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by Act approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That respondent The Cement Institute, an unincorporated association, its officers, trustees, agents, representatives, and employees, and the corporate respondents Aetna Portland Cement Company, Alpha Portland Cement Company, Arkansas Portland Cement Company, Ash Grove Lime & Portland Cement Company, Beaver Portland Cement Company, The Bessemer Limestone & Cement Company, Calaveras Cement Company, California Portland Cement Company, Colorado Portland Cement Company, Consolidated Cement Corporation, Coplay Cement Manufacturing Company, Cumberland Portland Cement Company, Dewey Portland Cement Company, Diamond Portland Cement Company, Edison Cement Corporation, The Federal Portland Cement Company, Inc., Florida Portland Cement Company, Georgia Cement & Products Company, Giant Portland Cement Company, The Glens Falls Portland Cement Company, Great Lakes Portland Cement Corporation, Green Bag Cement Company of Pennsylvania, Green Bag Cement Company of West Virginia, Hawkeye Portland Cement Company, Hercules Cement Corporation, Hermitage Portland Cement Company, Huron Portland Cement Company, Idaho Portland Cement Company, Lone Star Cement Corporation (the corporation named in the complaint as International Cement Corporation), Keystone Portland Cement Company, Kosmos Portland Cement Company, Lawrence Portland Cement Company, Lehigh Portland Cement Company, Marquette Cement Manufacturing Company, Medusa Portland Cement Company, Missouri Portland Cement Company, The Monarch Cement Company, Monolith Portland Cement Company, Monolith Portland Midwest Company, National Cement Company, Nazareth Cement Company, Nebraska Cement Company, North American Cement Corporation, Northwestern Portland Cement Company, Northwestern States Portland Cement Company, Oklahoma Portland Cement Company, Oregon Portland Cement Company, Pacific Portland Cement Company, Peerless Cement Corporation, Pennsylvania-Dixie Cement Corporation, Petoskey Portland Cement Company, Pittsburgh Plate Glass Company, Portland Cement Company of Utah, Riverside Cement Company, Santa Cruz Portland Cement Company, Signal Mountain Portland Cement Company, Southern States Portland Cement Company, Southwestern Portland Cement Company, Spokane Portland Cement Company, Standard Portland Cement Company, Superior Cement Corporation, Superior Portland Cement, Inc., Three Forks Portland Cement Company, Trinity Portland Cement Company, Union Portland Cement Company, Universal Atlas Cement Company, Valley Forge Cement Company, Volunteer Portland Cement Company, Vulcanite Portland Cement Company, Wabash Portland Cement Company, West Penn Cement Company, The Whitehall Cement Manufacturing Company, Wolverine Portland Cement Company, and Yosemite Portland Cement Corporation, their respective officers, agents, representatives, and employees, in or in connection with the offering for sale, sale, and distribution of portland cement in interstate commerce, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following things:

1. Quoting or selling cement at prices calculated or determined pursuant to or in accordance with the multiple basing-point delivered-price system; or quoting or selling cement pursuant to or in accordance with any other plan or system which results in identical price quotations or prices for cement at points of quotation or sale or to particular purchasers by respondents using such plan or system, or which prevents purchasers from finding any advantage in price in dealing with one or more of the respondents against any of the other respondents.

2. In connection with or in aid or support of any plan, system, acts, or practices prohibited in paragraph 1 above

(a) Refusing or declining to quote or sell cement at the location of the producing mill at a price effective at such location.

(b) Refusing or declining, when quoting or selling cement at a price effective at the location of the producing mill, to allow purchasers to provide transportation by any means, at any cost, or to any place they may desire.

(c) Quoting or selling cement at f. o. b. mill prices calculated by deducting actual common-carrier transportation charges from delivered-price quotations or delivered prices which are equivalent to the sum of the base price at, plus common-carrier transportation charges from, any point other than the actual shipping point.

(d) Quoting or selling cement ostensibly at f. o. b. mill prices, but which prices, plus common-carrier transportation charges to purchasers' destinations, are systematically equivalent to identical delivered costs to such purchasers from differently located mills.

(e) Quoting or selling cement at delivered prices calculated as or systematically equivalent to the sum of the base price in effect at, plus common-carrier transportation charges from, any point other than the actual shipping point.

(f) Quoting or selling cement at delivered prices which systematically include a common-carrier transportation factor greater or less than the actual cost of such common-carrier transportation from the point of shipment to destination.

(g) Quoting or selling cement at delivered prices which systematically include a freight factor representing transportation by a common carrier having higher rates than the means of transportation actually employed.

(h) Quoting or selling cement at destination-cost figures accompanied by a requirement that for invoicing purposes the f. o. b. mill price shall be determined by making specified deductions from said destination cost figures.

(i) Quoting or selling cement to any instrumentality of the Federal Government in a manner or upon terms which deprive the Government of all or any part of the benefits of land-grant or other special common-carrier rates to which it may be lawfully entitled.

(j) Collecting, compiling, circulating, or exchanging information concerning common-carrier transportation charges for cement used or to be used as a factor in the price of cement, or using, directly or indirectly, any such information so compiled or received as a factor in the price of cement.

(k) Controlling or attempting to control the destination or use of cement after the acquisition of title thereto by the purchaser.

(l) Determining upon any basis for the selection or classification of customers, or using any basis so determined for selecting or classifying customers.

(m) Determining upon the projects or types of projects for which, or the purchasers or classes of purchasers to whom, sales of cement will or will not be made directly by respondents.

(n) Collecting, compiling and circulating, or exchanging statistical data which reveal the individual production, stocks, sales, or shipments of cement of any corporate respondent to other corporate respondents.

(o) Maintaining any form of espionage for the purpose of determining whether or not their customers purchase or deal in imported cement; or discontinuing or threatening to discontinue sales of cement to customers because they purchase or deal in imported cement.

(p) Determining upon any discounts, package charges or refunds thereon, or other terms or conditions of sale, or using any discounts, package charges or refunds thereon, or other terms or conditions of sale so determined.

3. Discriminating in price between or among their respective customers by systematically charging and accepting mill net prices which differ by the amounts necessary to produce delivered costs to purchasers identical with delivered costs available to such purchasers through purchases from other respondents.

4. Using any means substantially similar to those specifically set out in this order with the purpose or effect of accomplishing any of the things prohibited by this order.

It is further ordered, That, for the reasons set out in the findings as to the facts in this proceeding, the case growing out of the complaint herein be, and the same hereby is, closed as to respondent Castalia Portland Cement Company without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and resume trial thereof in accordance with its regular procedure.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12598; Filed, August 3, 1943; 11:26 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50903]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES OF RAW COTTON

T.D. 50045, requiring additional information to be furnished on invoices of raw cotton, is hereby amended as follows:

Statement (3) is amended to read as follows:

(3) The staple length of the cotton covered by this invoice is not less than 1⅛ inches and is under 1 11/16 inches.

A new statement (4) is added, reading as follows:

(4) The staple length of the cotton covered by this invoice is 1 11/16 inches or more.

Section 8.13 (j), Customs Regulations of 1943 (19 CFR 8.13 (j)), is hereby amended by adding the number and date of this Treasury decision opposite "Raw cotton" in the list of Treasury decisions requiring additional information to be furnished on invoices of certain classes of merchandise.

This requirement shall be effective as to invoices certified after 30 days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: July 30, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12553; Filed, August 2, 1943; 3:35 p. m.]

TITLE 29—LABOR

Chapter IV—United States Department of Labor, Children's Bureau

PART 402—ACCEPTANCE OF STATE CERTIFICATES

ADDITION OF STATE OF MAINE

Amendment to Child Labor Regulation No. 24a relating to acceptance of State certificates.

By virtue of and pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938 (c. 676, 52 Stat. 1060, 29 U.S.C., sec. 201), I hereby amend § 402.1, Part 402, Title 29 of the Code of Federal Regulations by adding the State of Maine to the States previously designated therein in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 2, 1943.

KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 43-12590; Filed, August 3, 1943; 11:15 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VII—Defense Supplies Corporation

PART 701—PETROLEUM COMPENSATORY ADJUSTMENTS

REDESIGNATION OF TITLE, CHAPTER, AND PART

NOTE: Chapter VII of Title 30 is redesignated Title 32—National Defense, Chapter XIX—Defense Supplies Corporation, Part 7001—Petroleum Compensatory Adjustments. Revised Regulation 1, §§ 701.1–701.7 (8 F.R. 6101), is redesignated §§ 7001.1–7001.7.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amdt. 86]

PART 802—GENERAL LICENSES

EXPORTATION OF SUGAR-MILL MACHINERY FROM PUERTO RICO

Part 802 *General Licenses* is hereby amended by adding thereto the following section:

§ 802.15 *General License "G–SMPR".* A general license is hereby granted authorizing the exportation of sugar-mill machinery and parts thereof from Puerto Rico to Cuba, Haiti, Dominican Republic, British Virgin Islands, Antigua, Montserrat, St. Christopher, Nevis, Barbuda, Redonda, Anguilla, Sombrero, Jamaica, Dominica, St. Lucia, St. Vincent, Grenada, The Grenadines, Barbados, Trinidad and Tobago, Curacao, Aruba, Bonaire, St. Eustatius or Saba: *Provided*, That such machinery or parts, except replacement parts used in the repair

thereof or rebuilt parts exchanged for parts which cannot be repaired, shall have been imported into Puerto Rico from the destination to which they are being exported.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938)

Dated: August 2, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-12563; Filed, August 3, 1943; 9:39 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-382]

NATIONAL BY-PRODUCTS CO., INC.

National By-Products Company, Inc., a corporation, of Des Moines, Iowa, is engaged, among other things, in the manufacture and sale of live stock feeds, in which molasses is customarily used as an ingredient. During the calendar year 1942, the corporation violated General Preference Order M-54 in that, being a "Class 2 Purchaser", as defined in said order, it accepted delivery of 32,189 gallons of molasses in excess of its permitted quota, and used 23,647 gallons of molasses in excess of its permitted consumption. National By-Products Company, Inc. was familiar with the provisions of General Preference Order M-54, and its violations of said order must be considered wilful.

These violations of General Preference Order M-54 have hampered and impeded the war effort of the United States by diverting a scarce and critical commodity to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.382 *Suspension Order No. S-382.* (a) During the term of this order, National By-Products Company, Inc., its successors or assigns, shall not purchase, accept delivery of, use or consume any molasses, as defined in General Preference Order M-54.

(b) Nothing contained in this order shall be deemed to relieve National By-Products Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 3, 1943, and shall expire on December 3, 1943.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12588; Filed, August 3, 1943; 10:32 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149[1] incl. Amdt. 13]

MECHANICAL RUBBER GOODS

Sections 1315.21a, 1315.37(a) are amended by Amendment 13, effective August 9, 1943, so that Maximum Price Regulation No. 149 shall read as follows:

In the judgment of the Price Administrator the prices of mechanical rubber goods have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of mechanical rubber goods prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purpose of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 149 is hereby issued.

[1] 7 F.R. 3889.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised, 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

Sec.

AUTHORITY: §§ 1315.21 to 1315.38, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1315.21 *Prohibition against dealing in mechanical rubber goods at prices in excess of the maximum.* On and after May 27, 1942, regardless of the terms of any contract, agreement, lease or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any mechanical rubber goods at a price in excess of the maximum fixed by the regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

[§ 1315.21 added by Amendment 4, 7 F.R. 10143, effective 12-8-42, and amended by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43). Former § 1315.21 redesignated § 1315.21a by Amendment 4]

§ 1315.21a *Maximum manufacturers' prices for mechanical rubber goods.* This section establishes maximum manufacturers' prices for all mechanical rubber goods, except those for which provision is made in Appendix D (§ 1315.37).

[Sentence added by Amendment 4]

(a) *Maximum prices for mechanical rubber goods listed in Appendix A.* The maximum price for mechanical rubber goods of the types and kinds listed in Appendix A, incorporated as § 1315.34 of this regulation, shall be the price determined as follows, less the deduction required by paragraph (e) of this section, wherever applicable:

(1) *List or regularly quoted price.* This subparagraph is applicable to any mechanical rubber good listed in Appendix A the price of which was stated in the schedule or price list of the manufacturer in effect on October 1, 1941, or the price of which was regularly quoted by the manufacturer in any other manner on that date. The maximum price of any mechanical rubber good covered by this subparagraph which does not contain any synthetic rubber shall be the base price determined in accordance with subdivision (i). The maximum price for any mechanical rubber good covered by this subparagraph which contains any synthetic rubber shall be determined as follows: The manufacturer shall first determine the base price for the sale of the mechanical rubber good to that class of purchasers to which he sold the largest volume of that type of mechanical rubber good during the calendar year 1942. The base price shall be determined in accordance with subdivision (i). The manufacturer shall then deduct from that base price a differential which reflects the difference between the price of synthetic rubber in effect on October 1, 1941, and the price for that material in effect on August 1, 1943. This differential shall be determined in accordance with subdivision (ii). The price calculated in the manner just set forth is the manufacturer's maximum price to that class of purchasers to which he sold the largest volume of the type of mechanical rubber good being priced during the calendar year 1942. The manufacturer shall determine his maximum price for sales of the mechanical rubber good to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes or purchasers on October 1, 1941. If the price of the synthetic rubber contained in the commodity was the same on October 1, 1941, and August 1, 1943, the base price is the maximum price. If the price the manufacturer regularly quoted for conveyor, transmission or elevator belting on October 1, 1941, was for belting without a skim coat and if the manufacturer produces such belting with a skim coat in addition to the friction coat, the maximum price for the belting with both a skim coat and the friction coat shall be determined by adding 10% of the maximum price of the carcass established by this subparagraph (1) to the maximum price of the belting without a skim coat established by this subparagraph (1).

(i) *Base price.* The base price is the first applicable of the following prices:

(*a*) The price stated in the price list of the manufacturer in effect on October 1, 1941, for mechanical rubber goods of the same class, kind, type, condition and grade, less all discounts, allowances, and other deductions from the list price which the manufacturer had in effect for a purchaser of the same class on October 1, 1941.

(*b*) The price the manufacturer regularly quoted on October 1, 1941, other than through the medium of a price list, for mechanical rubber goods of the same class, kind, type, condition and grade less all discounts, allowances, and other deductions from this price which the manufacturer had in effect for a purchaser of the same class on October 1, 1941.

(ii) *Differential.* The differential which must be subtracted from the base price shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic rubber required to produce the commodity. The manufacturer will then multiply this amount by the difference between the price of the synthetic rubber in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on October 1, 1941, and the price for that material in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on August 1, 1943. The resulting figure is the differential. If the manufacturer on October 1, 1941, sold several sizes or styles of a mechanical rubber good at the same price to the same class of purchasers, he shall use the same differential for all the sizes or styles that he sold on October 1, 1941, at the same price to the same class of purchasers. This differential shall be calculated by the method set forth in this subdivision except that in applying that method the manufacturer shall use the procedure he customarily used on October 1, 1941, to arrive at a uniform price for the different sizes or styles. If the manufacturer used no such customary procedure on October 1, 1941, he shall use as the basis for calculating the differential the size or style of which he sold the largest quantity during the period January 1, 1943, to June 30, 1943, inclusive.

[Paragraph (1) amended by Amendment 12, 8 F.R. 9751, effective 7-20-43 and Amendment 13, effective 8-9-43]

(2) *Formula prices*—(i) *Applicability.* This subparagraph is applicable to any mechanical rubber goods listed in Appendix A for which the manufacturer did not have a price stated in his schedule or price list in effect on October 1, 1941, or for which he did not regularly quote a price in some other manner on that date.

(ii) *Mechanical rubber goods which are the same as those dealt in by the manufacturer on October 1, 1941, except for the substitution of Buna-S GR-S or butyl GR-I for natural rubber.* This subdivision is applicable to any mechanical rubber good covered by this subparagraph which differs from a mechanical rubber good for which the manufacturer had a price stated in his price list in effect on October 1, 1941, or for which he regularly quoted a price in any other manner on that date, only by reason of the changes made necessary by the substitution of Buna-S GR-S or butyl GR-I for natural rubber. The maximum price of any mechanical rubber good covered by this subdivision shall be the maximum price established by subparagraph (1) for the mechanical rubber good when made of natural rubber.

(iii) *Mechanical rubber goods not covered by subdivision (ii).* This subdivision is applicable to any mechanical rubber good covered by this subparagraph (2) which is not covered by subdivision (ii). The maximum price of mechanical rubber goods covered by this subdivision shall be the sum total of direct labor and direct materials cost plus a gross margin which the manufacturer would have added to the total direct cost in arriving at a selling price to a purchaser of the same class on October 1, 1941. Direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the commodity by the wage rates in effect to the manufacturer on October 1, 1941. The direct materials cost shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the commodity by the following material prices: (*a*) For synthetic rubber, the manufacturer shall use the net price for the material in effect to him, or if no price was in effect to him, the net price for the material in effect to a purchaser of the same class on August 1, 1943. (*b*) For all other materials, the manufacturer shall use the net materials prices in effect to him, or if no price was

in effect to him, the net materials price in effect to a purchaser of the same class on October 1, 1941. The gross margin shall be calculated by the methods and rates used by the manufacturer on October 1, 1941, which shall be the methods and rates filed in accordance with the provisions of paragraph (a) of § 1315.28. If the manufacture of a mechanical rubber good requires the use of materials, labor or equipment the October 1, 1941, price of which is not ascertainable the cost of such items to be used in determining the maximum price shall be the first ascertainable price after October 1, 1941.

[Paragraph (a) amended by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43) and Amendment 13, effective 8-9-43. Former (a) revoked and former (b) redesignated (a) by Amendment 4]

(b) *Maximum prices for mechanical rubber goods listed in Appendix B.* The maximum price for all mechanical rubber goods of the types and kinds listed in Appendix B, incorporated herein as § 1315.35, shall be determined in the same manner as that stated in paragraph (a) of this § 1315.21a, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

[Paragraph (b) as amended by Amendment 3, 7 F.R. 10103, effective 12-8-42, and Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43). Formerly paragraph (c); redesignated (b) by Amendment 4]

[Original paragraph (d) redesignated (c) by Amendment 4 and revoked by Amendment 9. Original paragraph (e) added by Amendment 1; redesignated (d) by Amendment 4 and revoked by Amendment 6]

(c) The maximum price for any mechanical rubber goods which cannot be priced under paragraphs (a) or (b) of this section shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (1) a description in detail of the mechanical rubber good for which a maximum price is sought (including the manufacturing process); (2) a statement of the facts which make it impossible for him to use the methods for determining a maximum price set forth in paragraphs (a) and (b) of this section; (3) his proposed pricing method; and (4) a statement of the reasons why he believes that the use of this method will result in prices which are in line with the level of maximum prices established by this Maximum Price Regulation No. 149. Such authorization will be given in the form of an order prescribing a method of determining the maximum price for some or all of the mechanical rubber goods manufactured by the applicant which cannot be priced under paragraphs (a) or (b) of this section.

[Paragraph (c) added by Amendment 3 as Paragraph (f); redesignated by Amendments 4, 6 and 9]

(d) Once the manufacturer has determined his maximum price for the sale of a particular mechanical rubber good to a particular class of purchasers (as defined in paragraph (a) (4) of § 1315.31) that price is his maximum for all future sales of that mechanical rubber good to that class of purchasers. However, if the manufacturer sells that mechanical rubber good to a purchaser of a different class, he must determine his maximum price for that sale in accordance with the applicable provisions of this section. For example, if the manufacturer has determined the maximum price for 100 gaskets and he later receives an order for 10,000 gaskets, and if on October 1, 1941, it was his practice to sell 10,000 gaskets at a lower price per unit than 100 gaskets, the manufacturer must determine his maximum price for the sale of the 10,000 gaskets in accordance with the applicable provisions of this section.

[Paragraph (d) added by Amendment 3 as paragraph (g). Redesignated by Amendments 4, 6 and 9]

(e) *Deduction of the amount of the Federal excise tax.* If, on October 1, 1941, in the case of the articles listed in Appendix A and on January 5, 1942, for the articles listed in Appendix B, the manufacturer did not bill the Federal excise tax on rubber products separately, he shall deduct the amount of such tax from the price determined in accordance with paragraphs (a) to (c), inclusive, of this § 1315.21a: *Provided,* That where the manufacturer had a price list in effect for the article on September 30, 1941, this deduction shall not exceed the amount by which the price determined in accordance with paragraphs (a) to (c), inclusive, exceeds the price stated in the manufacturer's price list in effect on September 30, 1941, less all discounts, allowances and other deductions from the list price in effect for a purchaser of the same class on that date.

[Paragraph (e) added by Amendment 6, as paragraph (f), 8 F.R. 1312, effective 2-3-43. Redesignated (e) by Amendment 9]

§ 1315.21b *Maximum wholesalers' prices for mechanical rubber goods*—(a) *Applicability of this section.* This section is applicable to sales by wholesalers (as defined in paragraph (a) (10) of § 1315.31) of mechanical rubber goods, except packing, gaskets and automotive parts.

[Paragraph (a) as amended by Amendment 12, 8 F.R. 9751, effective 7-20-43]

(b) *Maximum prices*—(1) *How the wholesaler calculates the maximum price.* The maximum price for a sale by a wholesaler of any mechanical rubber goods covered by this section shall be determined by multiplying the percentage determined in accordance with subparagraph (2) by:

(i) The wholesaler's net invoiced cost of the commodity, if available, not to exceed the applicable maximum price; or

(ii) If actual cost is not available, the net invoiced cost of the commodity as estimated by the wholesaler's supplier: *Provided,* That the wholesaler has no reason to believe that the price so estimated exceeds the maximum price.

(2) *How the wholesaler determines the percentage which must be used in determining the maximum price.* The percentage which the wholesaler must use in determining the maximum price shall be determined as follows:

(i) The wholesaler shall first determine what mechanical rubber goods he must use in determining the percentage. That mechanical rubber good shall be the first applicable of the following mechanical rubber goods which he offered for sale on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B:

(*a*) The mechanical rubber good which is the same as the mechanical rubber good being priced.

(*b*) The mechanical rubber good which has the same use as the mechanical rubber good being priced. If there is more than one mechanical rubber good which has the same use as the mechanical rubber good being priced, the wholesaler shall use that one of those mechanical rubber goods whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(*c*) The mechanical rubber good whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(ii) The wholesaler shall then determine the price at which on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A, and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B, he was offering to sell that mechanical rubber good to a purchaser of the same class.

(iii) The wholesaler shall then determine the percentage by dividing this selling price by the price in effect to him on the date on which he established that selling price.

(c) *Maximum wholesalers' prices for mechanical rubber goods that cannot be priced in accordance with paragraph* (b). The maximum wholesalers' price for any mechanical rubber good covered by this section which cannot be priced in accordance with the provisions of paragraph (b) shall be a price in line

with the level of maximum prices established by this regulation, determined by the wholesaler after specific authorization from the Office of Price Administration. A wholesaler seeking such authorization shall file with the Office of Price Administration in Washington, D. C., an application setting forth:

(1) A description of the mechanical rubber good in question;

(2) The price at which he purchased that mechanical rubber good;

(3) His proposed pricing method; and

(4) A statement of the reasons why he believes that the use of this method will result in prices in line with the level of maximum prices established by this regulation.

After receipt of this report the Office of Price Administration will in writing establish a maximum price for some or all of the mechanical rubber goods sold by the wholesaler which cannot be priced in accordance with the automatic pricing provisions of this section.

[§ 1315.21b added by Amendment 9, 8 F.R. 7495, effective 6–17–43 (effective date changed to 7–10–43 by Amendment 11, 8 F.R. 8376, effective 6–17–43). Former § 1315.21b redesignated as § 1315.21c]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1315.21c *Maximum prices for certain brands of rubber horseshoe pads manufactured by the Dryden Rubber Company.* Notwithstanding any other provision of this Maximum Price Regulation No. 149, the maximum price of the "Special Star", "C. I. C." and "K & Company" brands of rubber horseshoe pads, hereinafter referred to as rubber horseshoe pads manufactured by the Dryden Rubber Company shall be determined as follows:

[Above sentence as amended by Amendment 5, 7 F.R. 10993, effective 10–31–42]

(a) Dryden Rubber Company of Chicago, Illinois, may sell and deliver and offer, agree, solicit, and attempt to sell and deliver the following sizes of rubber horseshoe pads, and any person may buy from the Dryden Rubber Company the following sizes of rubber horseshoe pads at prices no higher than those hereinafter set forth:

TABLE OF MAXIMUM PRICES

Size:	*Price per pair*
0	.28
1	.315
2	.34
2½	.355
3	.38
3½	.415
4	.435
4½	.45
5	.475
5½	.505
6	.525
7	.555
8	.58
9	.615
10	.65

(b) (1) Any wholesaler or retailer may sell and deliver and any purchaser from a wholesaler or retailer may buy and receive rubber horseshoe pads, manufactured by the Dryden Rubber Company, at the maximum price for the corresponding size of the Elk or Harlem brands of rubber horseshoe pads, manufactured by the Phoenix Manufacturing Company, or the Tobin, Junior or Vacuum Mule brands, manufactured by the Fruin Drop Forge Company, whichever is lower, (i) established for such seller or (ii), established for the most closely competitive seller of the same class, if, during March 1942, the seller did not deliver or offer to deliver any of these brands.

(2) If the seller had no competitive seller of the same class who, during March 1942, delivered or offered to deliver any of the brands of rubber horseshoe pads, manufactured by companies other than Dryden Rubber Company, set forth in paragraph (b) (1), the maximum prices for sales and deliveries of rubber horseshoe pads, manufactured by the Dryden Rubber Company, by such seller shall be determined by adding to the maximum price for the particular size of such rubber horseshoe pads, as established by the General Maximum Price Regulation, the amount indicated in the following table:

Size:	*Amount to be added*
0	$0.00
1	.015
2	.04
2½	.045
3	.045
3½	.065
4	.065
4½	.07
5	.035
5½	.05
6	.055
7	.08
8	.07
9	.075
10	.09

(c) No seller shall change his customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(d) (1) Dryden Rubber Company shall notify each person to whom it sells rubber horseshoe pads of the modification of their maximum prices made by this section by sending him a copy of paragraphs (b), (c) and (d) (2) of this section;

(2) Every person who buys rubber horseshoe pads from the Dryden Rubber Company for resale shall advise in writing all persons (other than ultimate consumers) to whom they sell rubber horseshoe pads, manufactured by the Dryden Rubber Company, of the modification of the maximum prices for such resale permitted by this section. Such notification shall be made prior to the first delivery after October 26, 1942.

[§ 1315.21c added by Amendment 2, as § 1315.21a; 7 F.R. 8699, effective 10–31–42. Redesignated by Amendments 4 and 9]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.]

§ 1315.22 *Federal and state taxes.* Any tax upon or incident to, the sale, delivery or processing of mechanical rubber goods imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[§ 1315.22 as amended by Amendment 6, 8 F.R. 1312, effective 2–3–43]

§ 1315.22a *Terms and conditions of sale.* (a) No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of the transportation costs incurred in the delivery of mechanical rubber goods, than the seller required purchasers of the same class to pay during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B, on deliveries of the same or similar types of commodities.

(b) The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B, the seller required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the seller had in effect for extension of credit involving the same amount and term, during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B.

[§ 1315.22a added by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

§ 1315.22b *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices established by this regulation shall be adjusted to the nearest fraction of a cent that the seller customarily used on the applicable base date in pricing products in the same line.

[§ 1315.22b added by Amendment 12, 8 F.R. 9751, effective 7-20-43]

§ 1315.23 *Export sales.* The maximum price at which a person may export any mechanical rubber goods shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [4] issued by the Office of Price Administration.

[§ 1315.23 as amended by Amendment 3, 7 F.R. 10103, effective 12-8-42]

§ 1315.24 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after October 1, 1941, and the transferee carries on the business, or continues to deal in the same type of mechanical rubber goods, in the same competitive area and in an establishment separate from an establishment previously owned or operated by him, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this Maximum Price Regulation No. 149, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this Maximum Price Regulation No. 149.

§ 1315.25 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 149 may be charged, demanded, paid or offered.

[§ 1315.25a, added by Amendment 8, 8 F.R. 3942, effective 4-1-43; revoked by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

§ 1315.26 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 149 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, mechanical rubber goods, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.27 *Records.* Persons subject to this Maximum Price Regulation No. 149 shall keep available for inspection by representatives of the Office of Price Administration records of the following:

(a) For each sale or delivery of mechanical rubber goods after May 26, 1942, showing the date thereof, the name and address of the buyer, the price received, and the quantity of each class, kind, type, condition, and grade of mechanical rubber goods sold or delivered.

(b) For all mechanical rubber goods listed in Appendix A, incorporated herein as § 1315.34:

(1) Published and confidential price lists and discount sheets in effect on October 1, 1941, and all prices which the manufacturer regularly quoted in any other manner on that date.

[Paragraph (1) as amended by Amendment 3, 7 F.R. 10103, effective 12-8-42]

(2) Price determining methods—including labor rates, material prices, and rates used in the calculation of gross margin—in effect on October 1, 1941.

(3) Detailed cost estimate sheets and other data showing the calculations of prices of all mechanical rubber goods sold or delivered after May 26, 1942 for which the price lists of the manufacturer in effect on October 1, 1941 did not state a price.

(c) For all mechanical rubber goods listed in Appendix B, the same records as those required by paragraph (b) of this § 1315.27, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

[Paragraph (c) as amended by Amendment 3, effective 12-8-42]

§ 1315.28 *Reports.* (a) Every manufacturer subject to the provisions of this Maximum Price Regulation No. 149, who has not already done so, shall file with the Office of Price Administration, Washington, D. C., on or before December 18, 1942:

(1) For all mechanical rubber goods listed in Appendix A:

(i) Published and confidential price lists and discount sheets in effect on October 1, 1941, and all other regularly quoted prices and discounts and all other deductions therefrom in effect on that date.

(ii) Price determining methods and rates used in the determination of the gross margin in effect on October 1, 1941, for those articles, the maximum prices of which are not established by this regulation by reference to a schedule or price list or some other regularly quoted price. If after December 7, 1942, the manufacturer produces any mechanical rubber goods, the gross margin for which is determined by methods and rates other than those he has already filed with the Office of Price Administration, he must file such methods and rates with the Office of Price Administration, Washington, D. C., prior to first offering such article for sale. If as of December 8, 1942 the maximum prices of all of the mechanical rubber goods produced by the manufacturer are established by this regulation by reference to a schedule or price list or by some other regularly quoted prices, the manufacturer shall report that fact to the Office of Price Administration, Washington, D. C., on or before December 18, 1942.

(2) For all mechanical rubber goods listed in Appendix B, the same reports as those required by paragraph (a) (1) of this section, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

[Paragraph (a) as amended by Amendment 3, effective 12-8-42]

(b) This paragraph (b) is applicable to mechanical rubber goods the maximum price of which cannot be determined by reference to the price stated in the schedule or price list of the manufacturer in effect on the base date (October 1, 1941, for articles listed in Appendix A and January 5, 1942, for articles listed in Appendix B) or by reference to a price regularly quoted in some other manner by the manufacturer on the base date. If any such mechanical rubber good be listed as a new standard list good, the manufacturer shall report to the Office of Price Administration, Washington, D. C., that the article is being so listed and, prior to offering such mechanical rubber good for sale, shall report a detailed description thereof (including the size), the maximum price of each such article, the calculations used in the determination of the maximum price, the proposed selling price, and the terms of sale to each class of purchaser. The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

[Paragraph (b) as amended by Amendment 6, 8 F.R. 1312, effective 2-3-43]

(c) Every person subject to this Maximum Price Regulation No. 149 shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require, either in addition to, or in substitution for, records and reports herein required.

[Former paragraph (c) revoked by Amendment 6, effective 2-3-43. Former (d) redesignated (c)]

§ 1315.29 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 149 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 149 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State or Regional

[4] Second revision: 8 F.R. 4132, 7662, 9998.

Office of the Office of Price Administration or its principal office in Washington, D. C.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1315.30 *Petitions for amendment.* Persons seeking an amendment of any provision of this Maximum Price Regulation No. 149 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1315.30 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

§ 1315.30a *Adjustments*—(a) *Application by a manufacturer*—(1) *Who may receive an adjustment.* The manufacturer's maximum price for mechanical rubber goods established by this regulation may be adjusted only in the case of an essential producer of an essential mechanical rubber good. An "essential mechanical rubber good" is one which contributes to the effective prosecution of the war. An "essential producer" is one whose output of mechanical rubber goods cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into or proposes to enter into a war contract (as defined in subparagraph (5)) or a subcontract thereunder, is an essential producer of mechanical rubber goods.

(2) *When adjustment may be granted*—(i) *In general.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential producer of an essential mechanical rubber good upon the basis of information submitted by the manufacturer or of other information. It may make that adjustment whenever it finds that the maximum price of a commodity is at such a level that, taking into account the costs thereof, the profits position of the manufacturer and the nature of his business, production of the commodity is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.* (*a*) The following factors are relevant to consideration of whether production of the commodity is impeded or threatened:

(*1*) Whether, and by what amount, the maximum price is below or above (*i*) the current manufacturing costs plus freight out, installation charges, cash discounts and sales and service commissions paid to independent dealers, and (*ii*) the current total unit costs, of the commodity.

(*2*) Whether, and by what amount, the manufacturer's current over-all profits, before income and excess profit taxes, are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the manufacturer, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(*3*) Whether the proposed price is higher than the price prevailing in the industry.

(*4*) Whether the manufacturer's sales of the commodity represent only a very small part of his total sales.

(*5*) Whether the manufacturer previously sold the commodity at a price which is below its total unit costs.

(*b*) The following factors are relevant to consideration of whether the adjustment would cause an increase in the cost of living:

(*1*) Whether the mechanical rubber good or a commodity in the production of which it is used is of a type sold to civilian consumers other than industrial consumers.

(*2*) If such is the case, whether the increase in price allowed by adjustment would be absorbed prior to sale to a non-industrial consumer.

(*3*) Whether, if the applicant did not produce the mechanical rubber good, his output would be replaced by the same or a substitute commodity at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the manufacturer proceeds in applying for an adjustment*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on Form OPA 696-167a set out in Appendix E, incorporated as § 1315.38 of this regulation. Copies of this amendment which contains this form and the instructions for completing it may be obtained from any district, State or regional office of the Office of Price Administration. If the manufacturer's total sales in the calendar year 1942, or in the fiscal year ending in 1942, exceeded $500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the manufacturer's total sales during that period did not exceed $500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region that the manufacturer's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A manufacturer who believes that the conditions for an adjustment set forth in this paragraph (a) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28,[5] which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) *Prices for deliveries made pending disposition of the application.* A manufacturer who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the manufacturer wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A manufacturer who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the commodity;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration;

(iii) The fact that the specific price quoted by the manufacturer is subject to the approval of the Office of Price Administration.

(5) *Definitions*—(i) *Normal base period.* The term "normal base period" means the period 1936-1939. If the applicant shall demonstrate to the satisfaction of the Office of Price Administration either (*a*) that his entire industry was operating during the greater part of such period at an unusually depressed level or (*b*) that because of unusual conditions prevailing during that period, the manufacturer's plant was operating during that period at an unusually depressed level in comparison to other plants in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production has increased since 1936-1939 will not be deemed evidence that production during that period was at an "unusually depressed level". If the manufacturer was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) *Over-all profits.* The term "over-all profits" means net profit resulting from the operation of all divisions of the manufacturer, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase, order or agreement to perform all or any part of

[5] 7 F.R. 9619.

the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) *Total unit costs.* The term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the commodity, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(v) *War contract.* The term "war contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of mechanical rubber goods purchased (*a*) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (*b*) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (*c*) for use in the production or manufacture of any commodity described in (*a*) or (*b*).

(b) *Application by a manufacturer based upon an appropriate decrease of other prices*—(1) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential producer of an essential mechanical rubber good. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the manufacturer agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (b) shall contain information indicating that the manufacturer is an essential producer of an essential mechanical rubber good, and that if the proposed adjustment is granted, the gross dollar amount of sales of the commodities affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(4) *How the manufacturer proceeds in applying for an adjustment.* An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the manufacturer's total sales for the calendar year 1942, or for the fiscal year ending in 1942, exceeded $500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the manufacturer's total sales during that period did not exceed $500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region that the applicant's business is located.

(c) *Application by a manufacturer under a combination of both paragraphs* (a) *and* (b). A manufacturer who desires to apply for an adjustment under paragraph (b) may, at the time he applies under that paragraph, also apply under paragraph (a), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under paragraph (a) before applying paragraph (b).

(d) No application for adjustment filed under Procedural Regulation No. 6[6] by a manufacturer after June 14, 1943, with respect to mechanical rubber goods will be granted.

(e) The maximum price for sales of mechanical rubber goods by persons, other than manufacturers, may be adjusted in an order issued under this section.

[§ 1315.30a added by Amendment 10, 8 F.R. 7818, effective 6-15-43]

§ 1315.30b *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, except in accordance with § 1315.30a in the case of an application for adjustment and unless authorized by the Office of Price Administration in the case of a petition for amendment, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization in the case of a petition for amendment may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1315.30b added by Amendment 12, 8 F.R. 9751, effective 7-20-43]

§ 1315.31 *Definitions.* (a) When used in this Maximum Price Regulation No. 149, the term:

(1) "Gross margin" means the difference, expressed in dollars and cents, between (i) the total direct materials and direct labor cost and (ii) the net selling price which would have been charged to a purchaser of the same class on the base dates established by this Regulation. It includes only items (such as, factory overhead, depreciation, commercial expenses, transportation and warehouse expense, and margin of profit) that would have been used, at the rates that would have been used, in calculating the selling price for the article in question on October 1, 1941 or January 5, 1942, whichever is the applicable date. The rates used shall be those in effect at the volume of production on the base date.

(2) "Manufacturer" means any person engaged in the production of mechanical rubber goods who produces any rubber portion thereof.

(3) "Mechanical rubber goods" means all the articles listed in Appendices A and B, incorporated herein as §§ 1315.34 and 1315.35, but does not include the articles listed in Appendix C, incorporated herein as § 1315.36.

[Paragraphs (2) and (3) as amended by Amendment 3, 7 F.R. 10103, effective 12-8-42]

(4) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(5) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

[Paragraph (5) as amended by Amendment 12, 8 F.R. 9751, effective 7-20-43]

(6) "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber and balata.

[Paragraph (6) as amended by Amendment 7, 8 F.R. 4130, effective 4-5-43]

(7) "Regularly quoted price" means a price which was quoted by the seller to a purchaser or purchasers of the same class three or more times within a six months' period that includes the base date (October 1, 1941, for mechanical rubber goods listed in Appendix A and January 5, 1942, for mechanical rubber goods listed in Appendix B) and which was not changed on or before the base date. This term "regularly quoted price" also refers to the practice of interpolating between the prices of two sizes of a standard list item to obtain the price of an intermediate size.

(8) "Standard list item" means an article which is offered for sale by the seller at the same price to any member of a particular class through the medium of a schedule or price list.

[Paragraphs (7) and (8) added by Amendment 3, 7 F.R. 10103, effective 12-8-42 and amended by Amendment 12, 8 F.R. 9751, effective 7-20-43]

[6] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

(9) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

[Paragraph (9) added by Amendment 6, 8 F.R. 1312, effective 2-3-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

(10) "Wholesaler" means a person, other than a manufacturer, who sells mechanical rubber goods to resellers of mechanical rubber goods or to industrial or commercial users, the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, any school, hospital, library, or any agency of any of the foregoing.

[Paragraph (10) added by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.32 *Applicability of the General Maximum Price Regulation.*[7] Except as provided in § 1315.32a, the provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

[1315.32 as amended by Amendment 9, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

§ 1315.32a *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling mechanical rubber goods at wholesale. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation.

[§ 1315.32a added by Amendment 9, effective 6-17-43]

§ 1315.33 *Effective date.* This Maximum Price Regulation No. 149 (§§ 1315.21 to 1315.34, inclusive) shall become effective May 27, 1942: *Provided,* That (a) On and after May 22, 1942 and before May 27, 1942, mechanical rubber goods may be sold or delivered by manufacturers either at the maximum prices established by the General Maximum Price Regulation or at the maximum prices established by this Maximum Price Regulation No. 149.

(b) The provisions of this Maximum Price Regulation No. 149 shall not apply:

(1) Until June 15, 1942 to deliveries under contracts with the United States or any agency thereof entered into prior to May 18, 1942, except deliveries under contracts with the War Department or the Department of the Navy of the United States;

(2) Until July 1, 1942, to sales or deliveries to, or contracts with, the War Department or the Department of the Navy of the United States.

[Issued May 22, 1942]

§ 1315.34 *Appendix A: Mechanical rubber goods whose maximum price is established by paragraph (a) of § 1315.21a.* Paragraph (a) of § 1315.21a establishes the maximum prices (base date, October 1, 1941) for the following kinds and types of mechanical rubber goods, when made in whole or in part of rubber:

Belting.
Hose and tubing.
Jar rings and container sealing compounds.
Lined or covered tanks, pipes and fittings, and other rubber lined or rubber covered items when lined or covered with either soft rubber or hard rubber, excepting rubber covered rolls.
Packing, sheet and strip rubber, and gaskets cut therefrom.
Plumbers' supplies and specialties.
Tape, except cable wrapping tape and surgical adhesive tape.
Thread and yarn, both bare and covered.

[§ 1315.34 as amended by Amendment 3, 7 F.R. 10103, effective 12-8-42, and Amendment 7, 8 F.R. 4130, effective 4-5-43]

§ 1315.35 *Appendix B: Mechanical rubber goods whose maximum price is established by paragraph (b) § 1315.21a.* Paragraph (b) of § 1315.21a establishes the maximum prices (base date, January 5, 1942) for the following kinds and types of mechanical rubber goods, when made in whole or in part of rubber:

Airplane parts, of types and kinds not listed in Appendix A, including de-icers and fuel-cells.
Automotive parts, of types and kinds not listed in Appendix A.
Brake linings and clutch facings.
Equipment parts, of types and kinds not listed in Appendix A.
Flooring, mats and matting.
Foamed latex products.
Gaskets of types and kinds not listed in Appendix A.
Hard rubber goods, except when used as linings or coverings for tanks, pipes, fittings and other lined or covered items.
Machinery parts, of types and kinds not listed in Appendix A.
Molded, extruded and lathe-cut goods of types and kinds not listed in Appendix A.
Oil well specialties.
Rubber covered rolls.
Sponge rubber goods.
All other mechanical rubber goods, except those listed in Appendix A.

[§ 1315.35 added by Amendment 3, effective 12-8-42, and amended by Amendment 7, effective 4-5-43]

§ 1315.36 *Appendix C: Other rubber goods, made in whole or in part of rubber, the maximum prices of which are not established by Maximum Price Regulation No. 149:* The following list is illustrative of articles which are not mechanical rubber goods within the meaning of this Maximum Price Regulation No. 149:

Bathing apparel.
Bonded abrasive products covered by Maximum Price Regulation No. 316.
Cement.
Covered wire and cable wrapping tape.
Dental goods.
Drug sundries, including surgical adhesive tape.
Footwear.
Gloves.
Heels and soles.
Latex products, other than foamed latex products.
Mechanical rubber goods covered by Maximum Price Regulation No. 403.
Paint.
Proofed goods (rubberized fabrics).
Protective clothing.
Sporting goods.
Stationer's supplies.
Tires, tubes and tire repair materials.
Toys and novelties.

[§ 1315.36 added by Amendment 3, effective 12-8-42, and amended by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

§ 1315.37 *Appendix D: Maximum prices for certain mechanical rubber goods made in whole or in part of synthetic rubber.* (a) *Maximum manufacturers' prices for hose made in whole or in part of neoprene or thiokol.* This section is applicable to sales by manufacturers of the types of hose listed in Table I-D. However, except in the case of creamery hose, this section is applicable to those types of hose only if the cover and carcass are made of neoprene or thiokol compounds. This section is applicable to creamery hose only if its cover is made of a neoprene compound. The maximum manufacturers' price for sales of hose covered by this section shall be determined as follows:

(1) *Maximum prices for constructions and sizes listed in Table I-D.* The manufacturer shall deduct from the consumers' net price listed in Table I-D for the type, construction and size of hose being priced all discounts, allowances and other deductions from the consumers' net price that he had in effect to a purchaser of the same class on October 1, 1941. These discounts shall include a discount of 10% when the hose is sold in standard package lots, if this was the practice of the manufacturer on October 1, 1941. The resultant figure is the maximum price.

[Paragraphs (a) and (a) (1) as amended by Amendment 13, effective 8-9-43]

[7] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

TABLE I–D

CONSUMERS' MAXIMUM PRICES FOR NEOPRENE HOSE SOLD IN BROKEN PACKAGE LOTS

Type of hose	Size (inches)	Braid	Ply	Unit of sale	Consumers' maximum price
Fuel-oil and gasoline hose (not service station pump)	1	3	-------	Foot	$0.64
	1¼	3	-------	Foot	.76
	1½	3	-------	Foot	.95
Air and air tool hose, Grade 1 (molded-braided type)	½	2	-------	100 ft	29.01
	½	3	-------	100 ft	35.60
	⅝	3	-------	100 ft	39.98
	¾	2	-------	100 ft	33.18
	¾	3	-------	100 ft	46.59
	1	3	-------	100 ft	55.50
	1¼	3	-------	100 ft	76.33
	1½	3	-------	100 ft	94.81
Air and air tool hose, Grade 1 (wrapped type)	½	-------	4	Foot	.35
	¾	-------	4	Foot	.51
	1	-------	5	Foot	.67
	1½	-------	5	Foot	.91
	1½	-------	6	Foot	1.18
	2	-------	6	Foot	1.47
Oil-suction and discharge hose (2-wire-Rough bore, regular)	4	-------	-------	Foot	7.97
	6	-------	-------	Foot	12.91
	8	-------	-------	Foot	16.71
	10	-------	-------	Foot	21.14
Oil-suction and discharge hose (2-wire-Rough bore, heavy)	4	-------	-------	Foot	9.86
	6	-------	-------	Foot	14.29
	8	-------	-------	Foot	17.95
	10	-------	-------	Foot	24.05
Oil-suction and discharge hose (2-wire-Smooth bore)	4	-------	-------	Foot	9.38
	6	-------	-------	Foot	13.23
	8	-------	-------	Foot	16.71
	10	-------	-------	Foot	22.39
	12	-------	-------	Foot	27.58
Creamery hose (either braided or wrapped)	½	-------	-------	Foot	.36
	¾	-------	-------	Foot	.44
	1	-------	-------	Foot	.60
Hydraulic control and industrial grease hose (wire braid)	¼	2	-------	100 ft	37.05
	5/16	2	-------	100 ft	40.40
	⅜	2	-------	100 ft	42.78
	½	2	-------	100 ft	54.52
	¾	2	-------	100 ft	77.76
	1	2	-------	100 ft	99.62
Spray hose, paint—Fluid line and air line	⅛	1	-------	100 ft	15.06
	¼	2	-------	100 ft	16.28
	5/16	1	-------	100 ft	15.99
	5/16	2	-------	100 ft	16.94
	⅜	1	-------	100 ft	18.15
	⅜	2	-------	100 ft	19.86
	½	2	-------	100 ft	28.35
	⅝	2	-------	100 ft	34.60
	¾	2	-------	100 ft	40.37
Tank car and tank truck hose (hard type or soft type)	1½	-------	-------	Foot	.94
	2	-------	-------	Foot	1.23
	2½	-------	-------	Foot	1.83
	3	-------	-------	Foot	2.23
	4	-------	-------	Foot	3.25
Gasoline hose (service station pump)	¾	2	-------	Foot	.41
	1	2	-------	Foot	.52
Welding hose (molded-braided type)	5/16	1	-------	100 ft	13.18
	¼	2	-------	100 ft	15.43
	5/16	2	-------	100 ft	17.23
	⅜	2	-------	100 ft	20.22

[Last two items in Table I–D added by Amendment 13, effective 8–9–43.]

(2) *For constructions and sizes not listed in Table I–D.* If the construction and size of hose being priced is not listed in Table I–D and the type of hose being priced is listed in Table I–D, the manufacturer shall determine the maximum price for that construction and size of hose as follows:

(i) The manufacturer shall first select that hose listed in Table I–D which is of the most comparable construction to the hose being priced, and he shall then select the hose of that construction which is of the nearest size to the hose being priced.

(ii) The manufacturer shall then divide (*a*) the consumers' net price that he had in effect on October 1, 1941, for natural rubber hose of the same type, construction and size as the hose being priced by (*b*) the consumers' net price he had in effect on October 1, 1941, for the most comparable natural rubber hose (selected in the manner set forth in the preceding subdivision (i)). The resultant percentage should then be multiplied by the consumers' net price stated in Table I–D for the most comparable hose in order to obtain the maximum consumers' net price for the sale of the hose being priced in broken package lots.

(iii) The manufacturers shall then deduct from this consumers' net price all discounts, allowances and other deductions from the consumers' net price that he had in effect to a purchaser of the same class on October 1, 1941. These discounts shall include a discount of 10% when the hose is sold in standard package lots, if this was the practice of the manufacturer on October 1, 1941.

[Paragraph (iii) as amended by Amendment 13, effective 8–9–43]

(b) *Maximum manufacturers' prices for V-belts and oil resisting conveyor belting made in whole or in part of neoprene*—(1) *Applicability of this paragraph.* This paragraph is applicable to any V-belts and oil resisting conveyor belting made in whole or in part of neoprene for which the manufacturers had a price stated in his price list in effect on October 1, 1941.

(2) *How the manufacturer calculates his maximum price.* The manufacturer shall calculate the maximum price of the belts and belting covered by this paragraph as follows: The manufacturer shall first deduct from the list price in effect on October 1, 1941, an amount determined by multiplying that list price by the following percentages:

	Percent
Solid neoprene multiple V-belts	8.1
Neoprene cover multiple V-belts	2.9
Solid neoprene FHP V-belts (A and B sections only)	9.4
Neoprene cover FHP V-belts	3.8
Automotive equipment solid neoprene fan belts	12.2
Neoprene conveyor belting	18.6

The manufacturer shall then deduct from the resulting figure all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on October 1, 1941.

[§ 1315.37 added by Amendment 4, 7 F.R. 10143, effective 12–8–42 and amended by Amendment 9, 8 F.R. 7495, effective 6–17–43 (effective date changed to 7–10–43 by Amendment 11, 8 F.R. 8376, effective 6–17–43) and Amendment 12, 8 F.R. 9751, effective 7–20–43; paragraph (b) added by Amendment 12.]

§ 1315.38 *Appendix E: Form for application for adjustment of maximum manufacturers' prices of mechanical rubber goods*—(a) *Form.*

Form OPA 696–167a

Form Approved
Budget Bureau
No. 03–R347

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES FOR MECHANICAL RUBBER GOODS UNDER MAXIMUM PRICE REGULATION NO. 149

Company name _____

Address _____
(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe the mechanical rubber goods for which price increase is requested.

3. Present the following information for each product listed in 2 above.

NOTE: If more than one product is being reported, present the required information on another sheet.

(a) Dollar volume of unfilled orders $____

(b) Unit volume of unfilled orders. (Indicate unit used) _____ _____

4. Present evidence that the company is an essential producer of an essential mechanical rubber good.

(a) For each product designated in Item 2 above, fill in the following if you have entered into, or propose to enter into a war contract or subcontract for the sale of that product.

NOTE: If more than one product is being reported, present the required information on another sheet.

(1) Identification of contract _____

(2) Name of purchaser _____

(3) Address of purchaser _____
(Street) (City) (State)

(b) Present any other information which demonstrates that the manufacturer is an es-

sential producer of an essential mechanical rubber good.

NOTE: The terms "essential producer", "essential mechanical rubber good", "war contract" and "subcontract" are defined in the adjustment provision under which this report is filed (§ 1315.30a of Maximum Price Regulation 149.)

5. Are similar products manufactured by competitors in your region? _____
(Yes or No)

If yes, give names and addresses of competitors and their prices for such products.

SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and the number of officers.)

2. Financial data 1936–1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936–1940, or fill in the following condensed table.

	1936	1937	1938	1939	1940
Net sales					
Cost of goods sold					
Gross profit					
Administrative expense					
Selling expenses					
Net operating profit					
Other income less other expenses					
Net profit before income taxes					
Debt (except current) at end of year					
Net worth at end of year					
Total assets					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? _____
(Yes or No)
If no, state exceptions.

SCHEDULE C

Unit Price and Unit Cost Information

Designation of the mechanical rubber good: _____

NOTE: If more than one product is involved, prepare and file separate reports on this schedule for each product that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. *Price data:*
(a) *Net realized price:*

	Ceiling price _____, 194__	Current price	Requested price
1. (List) (gross) price			
2. Less: Dealer's commissions			
3. Less: Trade discounts			
4. Net realized price			
5. Net realized price at maximum discount and/or commissions			

(b) Analysis of Sales of the Above Designated Item:
Sales for _____ month period ending _____, 1943.
(Number of months) (Month and day)

	Percentage amount of commission or discounts	Dollar value of sales after discounts
Sales subject to commission of	(1) _____%	$_____
Sales subject to commission of	(2) _____%	_____
Sales not subject to commission	XXXX	_____
Sales subject to discount of	(1) _____%	$_____
Sales subject to discount of	(2) _____%	_____
Sales subject to discount of	(3) _____%	_____
Sales subject to discount of	(4) _____	_____
Sales subject to discount of	(5) _____	_____
Sales not subject to discount	XXXX	_____
Total sales of above designated item	XXXX	$_____

(c) Total sales for the above designated item only:

	1940	1941	1942 _____ months ending _____ 1943
Total unit volume of sales			
Total dollar volume of sales (net)	$_____	$_____	$_____

(d) *Is the price currently charged for the product the same as the maximum price filed with OPA?* _____
(Yes or no)
(If answer is "No", state date when increased price was first charged.)
Date: _____, 194__.
Month

(e) *Indicate whether the current maximum price is a list or established price* _____ *or a formula price* _____ (Check one).
Price used since _____, 194__.
Month
194__.

(f) *State on a separate sheet the reasons for the need of the requested price increase.*

2. *Unit cost data:*

	Ceiling date costs _____ 194__	Costs October 1942	Current date costs _____ 1943
(a) Direct material	$_____	$_____	$_____
(b) Direct labor			
(c) Factory overhead			
(d) Selling expense (do not include discounts and commissions deducted under Price Data above)			
(e) Administrative expense			
(f) Freight out, if any			
(g) Installation expense, if any			
(h) Other expense, specify			
(i) Total cost per unit			

(j) What method is used in allocating factory overhead?
1. Standard ( ); Actual ( ); Other ( ); (Check one).
2. Direct labor cost ( ); Direct labor hours ( ); Machine hours ( ); Other ( ).
(Explain separately if "other" or combination.)

_____
(Applicant)
By _____
_____
(Title)

AFFIDAVIT

STATE OF _____ } ss:
COUNTY OF _____ }

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

_____
(Signature)

Subscribed and sworn to before me this _____ day of _____ 1943.

_____
Officer Administering Oath

(b) *Instructions for completing form:*

INSTRUCTIONS FOR THE USE OF ADJUSTMENT APPLICATION FORM FOR MECHANICAL RUBBER GOODS

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. *Price data:*

(a) 1. (*List*) (*gross*) *price:*

Please indicate whether the price is a list price or a gross price by crossing out the term that does not apply.

(a) 2. *Dealer's commissions:*

Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the product covered by the application, use the rate that applies to the largest amount of sales.

(a) 3. *Trade discounts:*

Deduct trade discounts at the average rate of discounts prevailing in your company for the product covered by the application.

(b) Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.

2. *Unit cost data:*

In presenting unit cost data be sure to include only actual cost.

Material cost must represent actual cost. State separately any charges added to costs of materials.

Where standard costs are used, adjust costs for over- and under-absorption during the period to which the costs apply.

The cost data for the ceiling date may be recomputed if the product covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.

Under items (f), (g) and (h) include only costs borne by the manufacturer and not billed separately to the buyer.

[§ 1315.33 added by Amendment 10, 8 F.R. 7818, effective 6-15-43]

NOTE: All report and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12559; Filed, August 2, 1943; 4:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 591 Under § 1499.3 (b) of GMPR]

FOREMAN-DERRICKSON VENEER COMPANY

Foreman-Derrickson Veneer Company, Elizabeth City, North Carolina, has made application under § 1499.3 (b) of the General Maximum Price Regulation for the establishment of a maximum price on 5/16" 5 ply gu mresin glued plywood. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328: *It is ordered:*

§ 1499.2129 *Approval of maximum price of 5/16" 5 ply gum resin glued plywood.* (a) On and after the effective date of this order, Foreman-Derrickson Veneer Company, Elizabeth City, North Carolina, may sell and deliver 5/16" 5 ply gum, resin glued plywood at prices not to exceed $139.85 per thousand surface feet, f. o. b. mill.

(b) Any collection or charge made in excess of the maximum price established by this order shall be refunded to the purchaser within 30 days from the issue date of this order.

(c) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be May 26, 1943.

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12561; Filed, August 2, 1943; 4:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 32 Under § 1499.29 of GMPR, Amdt. 1]

MAULE INDUSTRIES

Amendment No. 1 to Order No. 32 under § 1499.29 of the General Maximum Price Regulation; Docket No. GF3-3095.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register: *It is hereby ordered,* That Order No. 32 be amended to read as follows:

§ 1499.432 *Authorization of maximum prices for quarry products, concrete products, and transit mixed concrete for the Maule Industries.* (a) Specific authority is hereby granted to Maule Industries, Miami, Florida, to sell and deliver quarry products, concrete block, and transit mixed concrete to any of the following persons: The United States Government, including any war procurement agency, the Navy Department, War Department, Maritime Commission, and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation, and Defense Supplies Corporation, or any agency of the foregoing; or any contractor or subcontractor of the foregoing; at the prices set forth below.

Product	Size	Maximum prices f. o. b. plant per yd.[1]	Maximum prices delivered in Miami Area per yd.[1]
Road rock	3½" down	$0.85	$1.60
Ballast rock	2½" down	.95	
Concrete rock	1" down	1.10	1.85
Pea rock	⅝" down	1.50	2.35
Concrete sand	¼" down	1.00	1.75
Mason sand	⅛" down	1.00	1.75

[1] When sold by rail the unit of measure may be by net ton.

CONCRETE BUILDING BLOCKS

	Maximum prices per block f. o. b. plant [2]	Maximum prices per block delivered in Miami Area [2]
REGULARS	*Cents per block*	*Cents per block*
8 x 8 x 16	$0.0950	$0.1150
8 x 12 x 16	.1650	.19
4 x 8 x 16	.0675	.0775
SPECIALS		
8 x 8 x 16—Corners and jams	.0950	.1150
8 x 12 x 16—Corners	.1650	.19
8 x 8 x 8—Single corners and half jams	.0675	.0775
8 x 4 x 16 or 8 x 3 x 16—partition tile	.0675	.0775

[2] Less 2% discount if invoices are paid by the tenth of the month following invoice billing.

READY MIXED CONCRETE

Type of mix:	*Maximum prices delivered in Miami area*
5 bag mix	$7.00
6 bag mix	7.70
7 bag mix	8.40
8 bag mix	9.10
10 bag mix	10.50

(b) If the contract between the Maule Industries, and any purchaser holding a Government contract or subcontract under such contract had been negotiated at a price higher than that established by this Order No. 32, such price shall be adjusted downward to the established price. If any payment has been made under such contract at a price higher than that established by this Order No. 32, refund of the excess must be made to such purchaser.

(c) All prayers of the application not granted herein are denied.

(d) The Maule Industries shall submit such reports as the Office of Price Administration may at any time request.

(e) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 32 (§ 1499.432) shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12534; Filed, August 2, 1943; 11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 71 Under SR 15, Amdt. 1]

RUSSELL HULLFISH, ET AL.

Amendment No. 1 to Order No 71 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation.

An opinion accompanying this amendment has been issued simultaneously herewith.

Section 1499.1371 (e) is amended to read as follows:

(e) This Order No. 71 (§ 1499.1371) shall become effective December 2, 1942.

This amendment shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12533; Filed, August 2, 1943; 11:41 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] Amdt. 12]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of Amendment No. 12 to Maximum Price Regulation No. 306 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.551 (e) is amended to read as follows:

(e) "Processor" means the canner, manufacturer, or packer, as the case may be, of the kind and brand of packed food product being priced.

2. Section 1341.553 is amended by adding paragraphs (d) and (e), to read as follows:

(d) *Maximum prices for sales by processors from their branch warehouses.* A processor who sells an item from a branch warehouse owned or controlled by him to an independent retail store or commercial, industrial or institutional user shall figure his maximum price for those sales by adding together factors (1) and (2) and multiplying the result by factor (3):

(1) The maximum price named for the item, f. o. b. factory.

(2) The freight, if any, incurred from factory to branch warehouse. (Processors who have more than one factory or branch warehouse may average freight from factory to branch warehouse in the same manner as processors are allowed under paragraph (a) (1) to average outgoing freight.)

(3) The mark-up figure, appropriate to the particular sale, which would have been applicable to him as a "wholesaler" operating under Maximum Price Regulation No. 421,[2] had he purchased the finished product and not canned, manufactured or packed it. This mark-up, however, may be added only when the particular goods sold have been warehoused at the branch warehouse.

(e) *Maximum prices for sales by processors to ultimate consumers.* Processors who sell the items they make to ultimate consumers other than industrial, commercial or institutional users are normally retailers as well, that is, persons whose general business is selling at retail items manufactured by others. Retailers are covered by Maximum Price Regulations Nos. 422[3] and 423,[4] which also provide a pricing method for items that a retailer may happen to manufacture or process himself (see section 25 of MPR 422). Processor-retailers, therefore, shall figure their maximum prices under those regulations.

3. A new § 1341.562 is added as follows:

§ 1341.562 *Maximum prices for distributors other than wholesalers and retailers*—(a) *Primary distributors.* A "primary distributor" is a distributor, other than a wholesaler or retailer, who purchases all he sells of the kind and brand of packed food product being priced and who customarily receives shipment from the packer of at least 50% of his purchases in carload lots delivered to a warehouse or other receiving station not owned or controlled by any of his customers, for resale by him in less than carload lots.

There are two pricing methods for primary distributors.

Pricing Method No. 1: A primary distributor may use the following pricing method only if he sold the kind of packed food product being priced as a primary distributor before April 28, 1942, and he may use it only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused (in normal situations the pricing method will give him the same dollars and cents margin that he previously had):

If the processor's maximum price for the item under this regulation is *greater* than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall *add* the difference to the maximum price which he had immediately prior to August 5, 1943. If the processor's maximum price for it under this regulation is *less* than the processor's maximum price under the maximum price regulation previously applicable, the primary distributor shall *subtract* the difference from the maximum price which he had immediately prior to August 5, 1943. However, in no event may the primary distributor's maximum price be greater than the net delivered cost (based upon purchases directly from the packer) plus a markup of 8% of that cost. The resulting figure in each case is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload lots.

Examples: The processor's ceiling under MPR 152 for the No. 2 can of X brand tomatoes was $1.10 a dozen. Under MPR 306, it is now $1.325. The primary distributor therefore adds the increase of $.225 to his own ceiling price (under GMPR).

The primary distributor handled canned tomatoes as a primary distributor before April 28, 1942. He added canned peas to his line in October 1942. Although he may use Pricing Method No. 1 for canned tomatoes, he must use Pricing Method No. 2 for canned peas.

If the primary distributor handled the kind of packed food product being priced before April 28, 1942, but did not handle the particular brand, size or container type being priced before August 5, 1943, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after August 4, 1943) plus the percentage mark-up which he is permitted to charge, under the foregoing pricing method, for the most closely comparable item of that kind of packed food product already handled by him.

Pricing Method No. 2. For all items, and sales of such items, which are not covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

(b) *Distributors who are not primary distributors, wholesalers, or retailers.* The maximum price for an item, f. o. b. shipping point, of a distributor who is not a primary distributor, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells of the kind and brand being priced and resells it without packing and processing any part of it.

4. A new § 1341.562a is added as follows:

§ 1341.562a *Restriction on packers' sales to primary distributors.* No packer may sell to primary distributors a greater percentage of his 1943 pack of any item than he sold to primary distributors during the one-year period ending April 28, 1942.

5. A new § 1341.566 is added as follows:

§ 1341.566 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

6. Section 1341.577 (a) is amended by adding a new subparagraph (2), as follows:

(2) "Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 421, 422, and 423.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12560; Filed, August 2, 1943; 4:19 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 5266, 6617, 9291, 10304, 10558.

[2] 8 F.R. 9388.

[3] 8 F.R. 9395.

[4] 8 F.R. 9407.

PART 1499—COMMODITIES AND SERVICES

[Order 70 Under SR 15, Amdt. 1]

U. S. INDUSTRIAL CHEMICALS, INC.

Amendment No. 1 to Order No. 70 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3–3315.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 70 under § 1499.75 (a) (3) to Supplementary Regulation No. 15 is amended in the following respects:

1. The head note of § 1499.1370 is amended to read as follows:

§ 1499.1370 *Adjustment of maximum prices for warehouse services performed by U. S. Industrial Chemicals, Inc.*

2. The text of § 1499.1370 (a), preceding subparagraph (1), is amended to read as follows:

(a) Lawrence Warehouse Company, a California corporation, or U. S. Industrial Chemicals, Inc., of Baltimore, Maryland, may sell and supply, at Curtis Bay, Baltimore, Maryland, the services of handling and storing alcohol for or belonging to Defense Supplies Corporation and acetone for or belonging to the Procurement Division of the Treasury Department at charges not higher than those set forth below:

3. Section 1499.1370 (a) (1) is amended to read as follows:

(1) *For storage.* 1¢ per barrel per month, based on the total storage capacity of all tanks used during such month; plus ¾¢ per barrel per month, based on the average quantity in storage during such month, whenever the storer assumes a warehouseman's liability with respect to the alcohol and acetone. Such average quantity shall be calculated by adding together the number of gallons shown on all reports filed with Defense Supplies Corporation during such month and dividing the total by the number of such reports.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12602; Filed, August 3, 1943; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 592 Under § 1499.3 (b) of GMPR]

COLLINS AND AIKMAN CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.2130 *Establishment of maximum prices for a blanket manufactured by the Collins and Aikman Corporation.* (a) On and after August 4, 1943, the maximum prices at which the Collins and Aikman Corporation of 200 Madison Avenue, New York, New York, may sell and deliver the blanket specified below, as described in its application, shall be:

Style No.	Specification	Maximum price (per blanket)
RO1173	All-wool worsted spun blanket; 72 x 84 inches in size; 4/4½ pounds in weight; colors or white; 42 x 40, ends and picks per inch; 56's, foreign wool and medium wool white drawing laps.	$10.52

(b) The above maximum price shall be subject to terms no less favorable than 2%, 10 days, net 70 days.

(c) The maximum price authorized by this order shall be subject to adjustment at any time by the Office of Price Administration.

This order shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12599; Filed, August 3, 1943; 11:45 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 313, Amdt. 5]

PRIME GRADE HARDWOOD LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 313 is amended in the following respect:

1. Section 1382.254 is revoked.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12600; Filed, August 3, 1943; 11:45 a. m.]

PART 1436—PLASTIC AND SYNTHETIC RESINS

[MPR 406,[1] Amdt. 1]

CERTAIN PLASTIC PIPE AND TUBING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8372.

Section 17 (a) (6) (vi) is added to read as follows:

(vi) Plastic pipe and plastic tubing manufactured from co-polymer vinyl and vinylidene chlorides commercially known as "Saran B–11."

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12601; Filed, August 3, 1943; 11:45 a. m.]

Chapter XIX—Defense Supplies Corporation

[Regulation 2]

PART 7002—BUTTER PRODUCTION PAYMENTS

Sec.
7002.1 Definitions.
7002.2 Persons eligible to apply for payments.
7002.3 Filing application for payment.
7002.4 Records and reports.
7002.5 Payment of claim.
7002.6 Right to declare claims invalid.
7002.7 Right to modify or revise claims.
7002.8 Termination.
7002.9 Effective date.

AUTHORITY: §§ 7002.1 to 7002.9, inclusive, issued under sec. 5d of the Reconstruction Finance Corporation Act as amended, 52 Stat. 212, 54 Stat. 573; 15 U.S.C. 606b; Defense Supplies Corporation Charter, 6 F.R. 2972.

§ 7002.1 *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) "Person" means an individual, corporation, partnership, association, institution, or other business entity, or legal successor or representative of any of the foregoing.

(b) "Manufacture" means to physically process milk or cream into butter without regard to the ownership of the milk or cream or buter.

(c) "Butter" means the food product usually known as butter (including whey butter) and which is made exclusively from milk or cream, or both, with or without salt, and with or without additional coloring matter, and containing not less than 80 percent by weight of milk fat, all tolerances having been allowed. It shall not include adulterated butter or renovated or processed butter, as defined in section 2320, paragraphs (b) and (c) of the Internal Revenue Code.

(d) "Establishment" means each separate plant within the continental United States where butter is manufactured.

(e) "Applicant" means any person who files an application for payment pursuant to this regulation.

(f) "Claim" means a claim for payment filed pursuant to this regulation.

§ 7002.2 *Persons eligible to apply for payments.* Any person who manufactures 1,000 pounds or more of butter in any one establishment in any calendar month may file an application for payment on account of such butter manufactured during a calendar month after May 1943.

§ 7002.3 *Filing application for payment*—(a) *Place of filing.* Applications for payments shall be mailed in the same envelope with Dairy Products Report No. 1 (U. S. D. A. Form No. C. E. 9–119) to P. O. Box No. 6910–A, Chicago, Illinois.

(b) *Time of filing.* Applications for payments shall be filed after the last day of the calendar month in which the manufacture took place and on or before the last day of the calendar month following the month in which the manufacture took place.

(c) *Form of application.* All applications for payments shall be filed in triplicate on forms approved by the Defense Supplies Corporation, and all information therein provided for shall be supplied. Only one application can be filed on account of the butter manufactured in one establishment during a calendar month and an application cannot cover manufacture during a period longer than one calendar month. A separate application shall be filed for each establishment of the applicant.

§ 7002.4 *Records and reports*—(a) *Reports required by other agencies.* Every applicant shall file with the Office of Price Administration and with the United States Department of Agriculture the reports required of him by those agencies applicable to butter.

(b) *Inspection of records.* Every applicant shall preserve for inspection, for a period of not less than two years after the date of filing an application, books, records and other documents, which furnish information in support of such application and Defense Supplies Corporation, or its designated agent, shall have the right at any time to make such examinations and audits of the books, records and other documents as may be necessary to ascertain the facts set forth in such application or as may be required by Defense Supplies Corporation.

(c) *Failure to comply.* The Defense Supplies Corporation shall have the right to declare invalid any claim of an applicant who has failed to comply with the requirements of this section.

§ 7002.5 *Payment of claim*—(a) *Rate of payment.* Defense Supplies Corporation will make payment on approved claims at the rate of five cents per pound for butter manufactured on and after June 1, 1943.

(b) *Base of payment.* Payments will be made on the amount of butter to the nearest pound manufactured by an applicant during the calendar month covered by his application. A claim may be approved in whole or in part.

(c) *Persons to whom payments are to be made.* Payments shall be made only to the person who files the claim with the Defense Supplies Corporation. No claim filed pursuant to this regulation shall be assignable except as a part of a bona fide transfer of the applicant's business to a legal successor.

(d) *Terms of payment.* Payments shall be made monthly upon preliminary approval of the claim. Preliminary approval and payment of claims shall not constitute final acceptance of the validity or amount of the claim. On a finding that the claim is invalid or defective Defense Supplies Corporation shall have the right to require restitution of any payments or any part thereof. Any sums found to be due to Defense Supplies Corporation shall be deductible against any accrued or subsequent claim for any payment by Defense Supplies Corporation to the person.

§ 7002.6 *Right to declare claims invalid*—(a) *Compliance with other regulations.* The Defense Supplies Corporation shall have the right to declare invalid in whole or in part any application for payment not in accordance with this regulation, or any claim on account of butter manufactured or distributed in violation of any regulation of the War Food Administration or the Office of Price Administration.

(b) *Payments to producers of butterfat.* The Defense Supplies Corporation shall have the right to declare invalid in whole or in part any claim of any applicant who fails to pass on to producers of butterfat the benefits secured from payments under this regulation, either in the original purchase price or through provision for supplementary payments.

§ 7002.7 *Right to modify or revise claims.* Upon the announcement of any decision or interpretation issued hereunder any applicant may within thirty (30) days apply to Defense Supplies Corporation for the right to modify or revise any claims theretofore filed which are affected by such decision or interpretation and which accrued within the period of ninety (90) days immediately preceding the first of the month following the date when the decision or interpretation was announced. If Defense Supplies Corporation finds justification for reopening the claim it shall notify the applicant and the latter may thereupon submit a new application for payment which shall be processed in the same manner as though submitted within the required time.

§ 7002.8 *Termination.* This regulation may be terminated at any time after ten (10) days notice. Such termination shall not preclude the filing of applications on account of butter manufactured on or before the date of termination for which the applicant would otherwise have been eligible. Such applications must be filed within thirty (30) days after the date of termination.

§ 7002.9 *Effective date.* This Regulation No. 2 shall become effective as of June 1, 1943.

Issued this 7th day of June 1943.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, Jr.,
Executive Vice President.

[F. R. Doc. 43–12554; Filed, July 31, 1943; 11:24 a. m.]

[Regulation 3]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

Sec.
7003.1 Definitions.
7003.2 Persons eligible to apply for payment.
7003.3 Filing application for payment.
7003.4 Records and reports.
7003.5 Payment of claims.
7003.6 Special provisions for farm slaughterers.
7003.7 Special provisions for butchers.
7003.8 Special provisions for local slaughterers.
7003.9 Special provisions for packers.
7003.10 Right to declare claims invalid.
7003.11 Right to modify or revise claims.
7003.12 Termination.
7003.13 Effective date.

AUTHORITY: §§ 7003.1 to 7003.13, inclusive, issued under sec. 5d of the Reconstruction Finance Corporation Act as amended, 52 Stat. 212, 54 Stat. 573; 15 U.S.C. 606b; Defense Supplies Corporation Charter, 6 F.R. 2972.

§ 7003.1 *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) "Person" means an individual, corporation, partnership, association, institution, or other business entity, or legal successor or representative of any of the foregoing.

(b) "FDO 27" means Food Distribution Order No. 27, as amended or as it may be amended from time to time, by the War Food Administration.

(c) "MRO 1" means Meat Restriction Order No. 1, as amended, issued by the Office of Price Administration, as amended, or as it may be amended from time to time by the War Food Administration.

(d) "Permit" means the permit to slaughter livestock required by FDO 27.

(e) "Registration" means the registration required of slaughterers under MRO 1.

(f) "Slaughter" means to kill livestock or have it killed for the purpose of obtaining meat. For purposes of this regulation, livestock is slaughtered by the person who owns it at the time of slaughter.

(g) "Livestock" means cattle, calves, hogs and pigs, and sheep and lambs.

(h) "Live weight" means the purchase weight of livestock slaughtered except that if the livestock have been fed for more than thirty (30) days after purchase by the slaughterer, live weight means the transfer weight from feed lots.

(i) "Establishment" means each separate plant within the continental United States where livestock is slaughtered.

(j) "Accounting period" means the customary accounting period of a calendar month or a period of at least four weeks and not more than five weeks in length used by the slaughterer in keeping his books and records, and shall be the same period used by him in making the monthly reports required by War Food Administration and the Office of Price Administration covering his slaughtering operations.

(k) "Applicant" means any person who files a claim for payment under this regulation.

(l) "Class" means the class of slaughterer to which a person belongs under this regulation such as farm slaughterer, butcher, local slaughterer or packer.

(m) "Farm slaughterer" has the same meaning as given it in FDO 27.

(n) "Butcher" has the same meaning as given it in FDO 27.

(o) "Local slaughterer" has the same meaning as given it in FDO 27.

(p) "Packer" has the same meaning as the term "slaughterer" as defined in MRO 1. A person is a packer if he is registered as a slaughterer under that order.

(q) "Claim" means a right to payment on an application filed pursuant to this regulation.

(r) "Maximum base of payment" means the maximum number or weight of livestock on account of which any person is entitled to payment, computed in accordance with paragraph (b) of §§ 7003.6, 7003.7, 7003.8 or 7003.9.

(s) "Condemned meat" is meat that has been condemned at the time of slaughter as unfit for human consumption by inspectors of the United States Department of Agriculture or of any state or local governmental agency.

(t) "Quota base" means the quota base of a slaughterer calculated in accordance with the provisions of FDO 27 and MRO 1.

(u) "Quota" means the quota established for slaughter of livestock or of any one kind of livestock or for deliveries of meat produced from any one kind of livestock for any person under FDO 27 or MRO 1.

(v) "Quarterly quota period" means the period for which a quota is established for farm slaughterers under FDO–27 or for packers under MRO 1.

§ 7003.2 *Persons eligible to apply for payment.* Any person who has a permit or registration and whose permit or registration has not been suspended or revoked and who slaughters 4,000 pounds or more of livestock, live weight, in any one establishment in any one calendar month after May 1943, may file an application for payment on account of such livestock slaughtered in each such establishment on and after June 7, 1943. No person who kills livestock for the account of others is eligible to file application for payment on account of such livestock.

§ 7003.3 *Filing application for payment*—(a) *Application forms.* Requests for application forms may be directed to Defense Supplies Corporation at any one of the addresses listed in Appendix A, which contains the location of the regional office for each district. Each request should contain a statement as to the class of the applicant under this regulation and the county and state where his establishment or main office is located.

(b) *Place of filing.* Application for payment shall be filed with the Defense Supplies Corporation at the regional office for the district in which the establishment is located, except that a person slaughtering in more than one establishment must file applications for payment for all of the establishments at the regional office for the district in which his main office is located.

(c) *Time of filing.* Application for payments shall be filed after the last day of the accounting period in which the slaughter took place, and on or before the last day of the calendar month following the end of the accounting period in which the slaughter took place.

(d) *Form of application*—(1) *In general.* All applications for payments shall be filed in triplicate on forms specified for the applicant's class and approved by the Defense Supplies Corporation and all information therein provided for shall be supplied. Only one application can be filed on account of the livestock slaughtered in one establishment during an accounting period, and an application cannot cover livestock slaughtered during a period longer than the accounting period. A separate application shall be filed for each establishment of the applicant. A separate application shall be filed on account of the livestock slaughtered on and after June 7, 1943, and before the beginning of the applicant's next accounting period.

(2) *Custom slaughter.* Applications of persons who slaughter in establishments operated by others must be accompanied by a statement from the operator of such establishment on forms approved by Defense Supplies Corporation, giving all the information therein provided for. If a person kills livestock for another, and also slaughters for his own account, his application for payment on account of the livestock he slaughters for his own account must be accompanied by a complete report of the livestock killed for each other slaughterer.

(e) *Supporting documents.* Every applicant shall file the reports required of his class under §§ 7003.6, 7003.7, 7003.8 or 7003.9.

§ 7003.4 *Records and reports*—(a) *Reports required by other agencies.* Every applicant shall file with the Office of Price Administration and with the War Food Administration the reports required of him after June 1, 1943 by those agencies under Ration Order No. 16, MRO 1 or FDO 27.

(b) *Records required by this regulation.* Every applicant shall keep the records required of him by FDO 27 and MRO 1 and in addition keep the records required of his class by §§ 7003.6, 7003.7, 7003.8 or 7003.9.

(c) *Inspection of records.* Every applicant shall preserve for inspection for a period of not less than two years after the date of filing an application, books, records and other documents, which furnish information in support of such application and Defense Supplies Corporation or its designated agent shall have the right at any time to make such examinations and audits of the books, records and other documents as may be necessary to ascertain the facts set forth in such application or as may be required by Defense Supplies Corporation.

(d) *Failure to comply.* The Defense Supplies Corporation shall have the right to declare invalid any claim of an applicant who has failed to comply with the requirements of this section.

§ 7003.5 *Payment of claims*—(a) *Rate of payment.* Defense Supplies Corporation will make payment on approved claims at the following rates:

	Cents per lb.
Cattle and calves	1.1
Sheep and lambs	.95
Hogs and pigs	1.3

(b) *Base of payment.* Payments will be made on the live weight of the livestock slaughtered by an applicant during the accounting period covered by his application subject to the following qualifications:

(1) Payments will not be made on account of a greater number or weight of live stock than the applicant's maximum base of payment.

(2) No payments will be made on the live weight equivalent of the applicant's production of condemned meat. The applicant shall reduce the amount of his livestock slaughtered by the actual live weight of the livestock which produced the condemned meat, or in the event this figure is not obtainable, by the livestock weight equivalent computed by multiplying the number of condemned carcasses of each kind of livestock by the average live weight of the same kind of livestock which he slaughtered during the accounting period covered by his application.

(3) A claim may be approved in whole or in part.

(c) *Persons to whom payments are to be made.* Payments will be made only to the person who files the claim with the Defense Supplies Corporation. No claim filed pursuant to this regulation shall be assignable except as a part of a bona fide transfer of the applicant's business to a legal successor.

(d) *Terms of payment.* Payments will be made monthly upon preliminary approval of the claim. Preliminary approval and payment of claims shall not constitute final acceptance of the validity or amount of the claim. On a finding that the claim is invalid or defective Defense Supplies Corporation shall have the right to require restitution of any payment or any part thereof. Any sums found to be due to Defense Supplies Corporation shall be deductible against any accrued or subsequent claim for any payment by Defense Supplies Corporation to the person.

§ 7003.6 *Special provisions for farm slaughterers*—(a) *Filing application for payment.* A farm slaughterer shall file applications for payment in accordance with § 7003.3 with the following specific limitations:

(1) His accounting period shall be a calendar month, except that for the month of June, 1943, he may file an application on account of livestock slaughtered during the period on and after June 7, 1943 and before July 1, 1943.

(2) His application shall be on a form provided for farm slaughterers and butchers.

(3) He shall file with his first application for payment a copy of his current permit for livestock slaughter (FDO–27–1 of the United States Department of Agriculture) certified by the applicant to be a true copy of the original in effect on the date of certification. Such copy need not be refiled as long as the information contained therein remains current. When any change is made in a

farm slaughterer's permit or his quota base for ay period, a new copy shall be submitted similarly certified. If the applicant obtains permission to transfer any part of his quota from one period to another, a copy of such authorization shall be filed.

(4) Each application shall be accompanied by a copy of the report required of him by the Office of Price Administration in regard to his slaughtering operations during the period covered by his application for payment. This report shall be on Form OPA R–1609 or OPA R–1606.

(b) *Payments.* Payments will be made on claims of farm slaughterers in accordance with § 7003.5. A farm slaughterer's maximum base of payment during any quarterly quota period is his quota for that period.

(c) *Records required.* Every farm slaughterer making application for payments must keep accurate records of numbers and purchase weight and price of livestock slaughtered for each kind of livestock. He must keep records of the live weight at the time of slaughter, the date and place of weighing and by whom it was weighed.

§ 7003.7 *Special provisions for butchers*—(a) *Filing application for payments.* A butcher shall file applications for payments in accordance with § 7003.3 with the following specific limitations:

(1) His accounting period shall be a calendar month, except that for the month of June, 1943, he may file an application on account of livestock slaughtered during the period on and after June 7, 1943, and before July 1, 1943.

(2) His application shall be filed on a form provided for farm slaughterers and butchers.

(3) He shall file with his first application for payment a copy of his current permit for livestock slaughter (FDO–27–2 of the United States Department of Agriculture) certified by the applicant to be a true copy of the original in effect on the date of certification. Such copy need not be refiled as long as the information contained therein remains current. When any change is made in a butcher's permit or his quota base or his quota for any period, a new copy shall be submitted similarly certified.

(4) Each application shall be accompanied by a copy of the report required of him by the Office of Price Administration in regard to his slaughtering operations during the period covered by his application for payment. This report shall be on Form OPA R–1609 or OPA R–1606.

(b) *Payments.* Payments will be made on claims of butchers in accordance with § 7003.5. A butcher's maximum base of payment during any month is his quota for that month, and shall not include the amount of any slaughter for home consumption permitted by paragraph (d) (2) of FDO 27.

(c) *Records required.* Every butcher making application for payments must keep accurate records of numbers and purchase weight and price of livestock slaughtered for each kind of livestock. If the livestock is slaughtered more than thirty (30) days after its purchase, he must keep records of the live weight at the time of slaughter, the date and place of weighing, and by whom it was weighed. In addition he must keep a complete record with weights and prices of all of his other livestock purchases and of all of his livestock sales.

§ 7003.8 *Special provisions for local slaughterers*—(a) *Filing application for payments.* A local slaughterer shall make application for payments in accordance with § 7003.3, with the following specific limitations:

(1) The accounting period covered by his application for payment must contain the same number of days as the period for which his quota is established, except that for the first accounting period ending after June 7, 1943, he may file an application on account of livestock slaughtered during the period on and after June 7, 1943 and before the beginning of his next accounting period.

(2) His application shall be on a form provided for local slaughterers.

(3) He shall file with his first application for payment a copy of his current permit for livestock slaughter (FDO–27–3 of the United States Department of Agriculture) certified by the applicant to be a true copy of the original in effect on the date of certification. Such copy need not be refiled as long as the information contained therein remains current. When any change is made in a local slaughterer's permit or his quota base or in his quota for any period (aside from general changes in percentages used in determining quotas from quota bases) a new copy shall be submitted similarly certified.

(4) Each application shall be accompanied by a copy of the report required of him by the United States Department of Agriculture in regard to his slaughtering operations during the period covered by his application for payment. This report shall be on Form FDO–27–5 of the United States Department of Agriculture.

(b) *Payments.* Payments will be made on claims of local slaughterers in accordance with § 7003.5. A local slaughterer's maximum base of payment during any accounting period is the amount of his quota for that period plus his deliveries to governmental agencies and authorized processors for delivery to governmental agencies, computed in live weight or live weight equivalents in the following manner:

(1) Deliveries to governmental agencies and authorized processors for delivery to governmental agencies shall be expressed as conversion weight by multiplying the actual weight by the conversion facts set out in MRO 1, § 1407.913 (c).

(2) In the case of beef, veal, sheep and lamb these conversion weights shall be added to the amount of the quota and the totals expressed as live weight equivalents by using the applicable dressing percentage from the local slaughterer's records.

(3) In the case of pork, the conversion weight shall be converted to live weight equivalent by using the applicable dressing percentage from the local slaughterer's records, and the result added to the quota.

(c) *Records required.* Every local slaughterer making application for payments must keep accurate records of numbers and purchase weight and price of livestock slaughtered for each kind of livestock. If livestock is slaughtered more than thirty (30) days after its purchase, he must keep records of the transfer weight from feed lots. In addition he must keep a complete record with weights and prices of all of his other livestock purchases and all of his livestock sales.

§ 7003.9 *Special provisions for packers*—(a) *Filing application for payments.* A packer shall make application for payments in acordance with § 7003.3, with the following specific limitations:

(1) His application shall cover a full accounting period, except that for the first accounting period ending after June 7, 1943, he may file an application on account of the livestock slaughtered on and after June 7, 1943, and before the beginning of his next accounting period.

(2) His application shall be on a form provided for packers.

(3) He shall file with the first application for payment two copies of his current registration under MRO 1 (OPA Form No. RS01:1) showing his current quota bases. Such copies need not be refiled as long as the information contained therein remains current. When any change is made in a packer's registration or his quota base or in his quota for any period (aside from general changes in percentages used in determining quotas from quota bases) two new copies shall be submitted.

(4) He shall file a copy of each report required of him under MRO 1 after June 1, 1943 (OPA Form RS01:2, or such other reports as may be required) before the end of the accounting period following the period covered by the report. No application may be filed on account of slaughter during any accounting period until a copy of the report required for the preceding period has been filed.

(b) *Payments.* Payments will be made on claims of packers in accordance with § 7003.5. A packer's maximum base of payment during any quarterly quota period shall be computed in live weight or live weight equivalents in the following manner:

(1) Inventory at the opening, deliveries of meat to the packer from all persons, inventory at the close and deliveries without charge against quota for each quarterly quota period shall be expressed as conversion weight by multiplying the actual weight by the conversion factors set out in MRO 1, § 1407.913 (c).

(2) The conversion weights of inventory at the close of the period, deliveries without charge against quota and amount of quota shall be totaled. From these totals shall be subtracted the sums of the conversion weights of inventory at the opening of the period and deliveries of meat to the packer from all persons. The results shall be expressed as live weight equivalents by using the

applicable dressing percentage determined from the packer's records.

(c) *Records required.* Every packer must keep a complete record with weights and prices of livestock sales for each kind of livestock.

§ 7003.10 *Right to declare claims invalid*—(a) *Compliance with other regulations.* Defense Supplies Corporation shall have the right to declare invalid, in whole or in part, any claim which does not meet the requirements of this regulation, and any claim filed by an applicant who, in the judgment of the War Food Administrator or the Price Administrator has wilfully violated any regulation of their respective agencies applicable to livestock slaughter or the sale or distribution of meat.

(b) *Payments to producers of livestock.* Defense Supplies Corporation shall have the right to declare invalid in whole or in part any claim of any applicant who fails to pass on to persons from whom he purchases livestock the benefits secured from payments under this regulation.

§ 7003.11 *Right to modify or revise claims.* Upon announcement of any decision or interpretation issued hereunder any applicant may within thirty (30) days apply to Defense Supplies Corporation for the right to modify or revise any claims theretofore filed which are affected by such decision or interpretation and which accrued within the period of ninety (90) days immediately preceding the first of the month following the date when the decision or interpretation was announced. If Defense Supplies Corporation finds justification for reopening the claim it shall so notify the applicant and the latter may thereupon submit a new application for payment which shall be processed in the same manner as though submitted within the required time.

§ 7003.12 *Termination.* This regulation may be terminated at any time after ten (10) days notice. Such termination shall not preclude the filing of applications on account of livestock slaughtered on or before the date of termination for which the applicant would otherwise have been eligible. Such applications must be filed within thirty (30) days after the date of termination.

§ 7003.13 *Effective date.* This Regulation No. 3 shall become effective as of June 7, 1943.

Issued this 16th day of June 1943.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, Jr.,
Executive Vice President.

Appendix A—*List of Agents, Defense Supplies Corporation*

E. W. Long, Comer Building, Birmingham, Alabama.
J. W. Jarrett, Pyramid Building, Little Rock, Arkansas.
Hector C. Haight, Pacific Mutual Building, Los Angeles, California.
John S. McCullough, Jr., 200 Bush Street, San Francisco 4, California.
Ross L. Hudson, Boston Building, Denver, Colorado.
Fred H. Farwell, Western Union Building, Jacksonville, Florida.
M. E. Everett, Healey Building, Atlanta 3, Georgia.
Frank M. Murchison, 208 South LaSalle Street, Chicago 4, Illinois.
J. Fort Abell, Lincoln Bank Bldg., 421 W. Market St., Louisville, Kentucky.
Geo. W. Robertson, Union Bldg., 837 Gravier St., New Orleans 12, Louisiana.
John J. Hagerty, 40 Broad Street, Boston, Massachusetts.
Arthur J. Fushman, 607 Shelby Street, Detroit, Michigan.
George G. Power, McKnight Building, Minneapolis 1, Minnesota.
Albert L. Strong, Federal Reserve Bank Bldg., Kansas City 6, Missouri.
B. Glenn Gulledge, Landreth Bldg., 320 N. Fourth St., St. Louis 2, Missouri.
Leon E. Chouquette, Power Block, Helena, Montana.
Herbert S Daniel, Woodmen of the World Bldg., Omaha, Nebraska.
Thomas J. Ahearn, Jr., Federal Reserve Bank Bldg., 33 Liberty St., New York 5, New York.
John A. Campbell, Jr., Wilson Bldg., 109 W. Third Street, Charlotte, North Carolina.
J. A. Fraser, Federal Reserve Bank Building, Cleveland 1, Ohio.
J. C. Eagen, Cotton Exchange Building, Oklahoma City, Oklahoma.
William Kennedy, Pittock Block, Portland, Oregon.
E. Raymond Scott, 1528 Walnut Street, Philadelphia, Pennsylvania.
J. M. Gardenhire, Nashville Trust Co. Bldg., Union St., Nashville 3, Tennessee.
L. B. Glidden, Cotton Exchange Bldg., Dallas, Texas.
W. I. Phillips, Rusk Bldg., 723 Main Street, Houston 2, Texas.
W. T. Montgomery, Alamo National Bldg., San Antonio, Texas.
Gerald L. Leaver, Dooley Building, Salt Lake City 1, Utah.
W. B. Cloe, Richmond Trust Bldg., 7th & Main Sts., Richmond, Virginia.
C. B. Grieve, Dexter Horton Building, Seattle, Washington.
O. M. Green, Columbia Building, Spokane, Washington.

[F. R. Doc. 43-12555; Filed, July 31, 1943; 11:25 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 5, Supp. 2, Revised]

PART 304—LABOR

EMPLOYMENT OF CERTAIN FOREIGN NATIONALS ON AMERICAN, PANAMANIAN AND HONDURAN FLAG VESSELS

General Order 5, Supp. 2, § 304.8 *Restriction of employment of certain foreign nationals on American, Panamanian and Honduran flag vessels owned by or under bareboat or time charter to the War Shipping Administration,* is revised to read:

§ 304.8 *Restriction of employment of certain foreign nationals on American, Panamanian and Honduran flag vessels owned by or under bareboat or time charter to the War Shipping Administration.* All owners, operators and agents of vessels owned by or under bareboat or time charter to the War Shipping Administration and documented under the laws of the United States of America or under the laws of the Republic of Panama or of the Republic of Honduras shall not employ on any such vessel:

(a) Any Norwegian, Netherlands, Belgian, Polish, Yugoslavian, Greek, or British national who was not so employed on April 8, 1942, or had not been so employed prior thereto, or

(b) Any Brazilian national who was not so employed on February 1, 1943, or had not been so employed prior thereto, or

(c) Any French or Chinese national who was not so employed on July 31, 1943, or had not been so employed prior thereto,

except when their employment is requested by the Recruitment and Manning Organization from the properly accredited consular representative of the nation involved.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JULY 31, 1943.

[F. R. Doc. 43-12750; Filed, August 3, 1943; 10:26 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 106-A]

PART 95—CAR SERVICE

CERTAIN SHIPMENTS TO MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2nd day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 106 (8 F.R. 1403) of January 30, 1943, and good cause appearing therefor; *It is ordered,* That:

Section 95.6 Prohibiting shipments originating in the United States and destined to points in Mexico from moving on other than straight bills of lading is hereby vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 3, 1943; that copies of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12589; Filed, August 3, 1943; 11:05 a. m.]

Notices

FEDERAL TRADE COMMISSION.

[Docket No. 4990]

MACDOUGAL BROTHERS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of July, A. D., 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 19, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-12595; Filed, August 3, 1943; 11:26 a. m.]

[Docket No. 5000]

BISHOP & BABBIN, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A.; section 41).

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 19, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-12596; Filed, August 3, 1943; 11:26 a. m.]

[Docket No. 5020]

HOLZBEIERLEIN & SONS, INC.

COMPLAINT AND NOTICE OF HEARING

Complaint

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described since June 19, 1936, has violated and is now violating the provisions of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent, Holzbeierlein & Sons, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 1849 Seventh Street, Northwest, Washington, D. C.

PAR. 2. Respondent corporation is now and has been since prior to June 19, 1936, engaged in the business of processing and manufacturing and offering for sale, selling and distributing bakery bread in the several states of the United States and the District of Columbia, and causes said product to be shipped and transported from its place of business to the purchasers thereof who are located in the several states of the United States other than the District of Columbia in which respondent's place of business is located. The respondent distributes its bakery bread under the name of "Bamby Bread". There is and has been at all times mentioned a continuous course of trade and commerce in the said product across state lines between respondent's bakery and warehouse and the purchasers of said product. Such product is sold and distributed for use and resale within the several states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business as aforesaid, respondent is now and has been during all the time herein mentioned in substantial competition with other corporations and with individuals, partnerships and firms engaged in the business of processing, manufacturing, offering for sale, selling and distributing bakery bread in commerce.

PAR. 4. Respondent corporation in the course and conduct of its business and in the course of such commerce is now and has been subsequent to June 19, 1936, engaged in manufacturing and processing bakery bread for distribution and sale, and in selling such product to customers who are competitively engaged with each other in the handling, offering for sale and sale of such bakery bread to consumers, and to others for resale to consumers, and the respondent corporation has contracted to pay, and has paid to one of its preferred customers, namely, the District Grocery Stores, Inc., of Washington, D. C., the sum of $250 per month in consideration of and as compensation for advertising services and facilities contracted to be furnished and furnished by said District Grocery Stores, Inc., in connection with the handling, offering for sale and sale of said bakery bread. The respondent has made and makes such payments as compensation for advertising services and facilities in connection with the preferred customer's offering for sale bakery bread and with the general understanding and agreement that the District Grocery Stores, Inc., will advertise its bread in its weekly newspaper advertising and by handbills and bulletins. Respondent has not made payments of advertising allowance available on proportionally equal terms to any other customers who compete in the distribution of its bread.

PAR. 5. Such acts of respondents since June 19, 1936, in interstate commerce in the manner and form aforesaid in paying and contracting to pay valuable consideration to and for the benefit of one preferred customer for services and facilities furnished by and through such customer in connection with the handling, offering for sale and sale of its bakery bread without making such payments available on proportionally equal terms to all other competing customers is in violation of the provisions of Section 2 (d) of the Robinson-Patman Act.

Wherefore, the premises considered, the Federal Trade Commission on this 29th day of July, A. D., 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, Holzbeierlein & Sons, Inc., a corporation, respondent herein, that the 3rd day of September, A. D., 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise state-

ment of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of July, A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12597; Filed, August 3, 1943; 11:28 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 158]

COMPETITIVE BIDDING IN SALE OF DESIGNATED SECURITIES

ORDER FOR INVESTIGATION

At a general session of the Interstate Commerce Commission, held at its office in Washigton, D. C., on the 31st day of July, A. D. 1943.

In the matter of competitive bidding in the sale of securities issued under section 20a of the Interstate Commerce Act.

It appearing, that it is necessary for the proper administration, execution, and enforcement of section 20a of the Interstate Commerce Act that a determination be made (1) whether competitive bidding shall be required in the sale of railroad securities issued under the provisions of said section, and (2) if competitive bidding is required, to what class or classes of railroad securities should it be applicable and what regulations or conditions should be prescribed relating to such sales:

It is ordered, That an investigation be, and it is hereby, instituted into the matters set forth in the preceding paragraph;

It is further ordered, That briefs in this proceeding may be filed by any interested party on or before September 15, 1943;

It is further ordered, That parties shall indicate in their briefs whether oral hearing is desired;

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12520; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 60 Under Service Order 123]

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The St. Louis Southwestern Railway Company (Berryman Henwood, Trustee) to reice once in transit after the first or initial icing ART 16033 and MDT 21625 containing potatoes shipped by Butler & Wood, Pangburn, Arkansas, and J. E. McCoy and Sons, J. H. Shaw, Rison, Arkansas, respectively, now on hand at St. Louis consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12521; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 61 Under Service Order 123]

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri-Kansas-Texas Railroad Company to reice once in transit after the first or initial icing ART 16452 shipped by W. A. Hooten, Hughes Springs, Texas, and NRC 15641 and PFE 38485 shipped by J. B. Fulgham, Waldron, Arkansas, all containing potatoes, now on hand at St. Louis consigned Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12522; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 62 Under Service Order 123]

MISSOURI PACIFIC RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to reice once in transit after the first or initial icing ART 24320, NRC 10060, NRC 6770, NRC 4520, NRC 10462, ART 20115, PFE 18505, PFE 41755, NRC 5875, WFEX 63336, NRC 6797, NRC 5998, WFEX 62879, NRC 16089, NRC 339, NRC 17081, GARX 68501, NRC 7152, NRC 16092, NRC 7086, NRC 3026, NRC 7106, NRC 10066, NRC 4067, NWX 15208, ART 23318, NRC 10088, ART 16158, NRC 15048, ART 24078, NRC 8098, NRC 4069, NRC 10000, NRC 6561, NRC 8181, IC 50473, URT 9783, URT 3093, NRC 5323, NRC 5513, NRC 4443, NRC 5614, NRC 6704, NRC 10214, PFE 98495, ART 19315, NRC 15155, NRC 15586, ART 19716, NP 90136, NRC 6816, ARC 15847, ART 19517, NRC 4587, NRC 3127, NRC 15018, NRC 16279, ART 19649, NRC 10099, ART 18859, SFRD 21890, NRC 5300, FGEX 32577, NRC 6511, PFE 52631, NRC 4561, PFE 74821, NRC 10322, PFE 38902, NRC 8222, PFE 24972, ART 21893, NRC 10463, NRC 6703, NRC 5313, URT 9394, NRC 4224, NRC 7744, ART 22325, NRC 5715, NRC 4315, NRC 10275, URT 9585, NRC 4586, NRC 10427, IC 53967, ART 19598, ART 20226, NRC 5328, NRC 5838, URT 81299, NRC 4309, NRC 4559, NRC 10239, and NRC 15610, all containing potatoes, originating in Arkansas and Oklahoma, now on hand at St. Louis consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12523; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 63 Under Service Order 123]

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) to reice once in transit after the first or initial icing NRC 15570, NRC 8115, NRC 3153, ART 18165, ART 90027, and NRC 5365; also for the Wabash Railroad Company to reice once in transit after the first or initial icing SFRD 38247 and SFRD 31514; also for the St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) to reice once in transit after the first or initial icing MDT 3045, MDT 146304, MDT 4413, MDT 19509, MDT 19690, MDT 16857, MDT 19893, PFE 25432, MDT 146461, MDT 8069, MDT 17341, MDT 6439, MDT 3524, MDT 16724, MDT 16861, MDT 20901, PFE 74457, MDT 22129, MDT 18343, MDT 3473, MDT 21529, MDT 4750, MDT 20886, WFE 62158, PFE 62485, MDT 19279, MDT 22375, MDT 146501, MDT 4549, MDT 21832, MDT 146887, WFE 61655, PFE 61525, MDT 4288, MDT 20394, MDT 17505, MDT 17567, MDT 18848, MDT 17889, SFRD 24207, and PFE 25677, containing potatoes, all originating in Arkansas or Oklahoma, now on hand at St. Louis, Missouri, consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12524; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 64 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing ART 22136 and ART 22643 containing potatoes from Paris, Arkansas, now on hand Chicago Produce Terminal Company tracks consigned to the Edward H. Anderson & Company, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of July, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12525; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 65 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing NRC 15244, NRC 15562, NRC 5726, NRC 5525, NRC 6521, NRC 15250, NRC 10151, NRC 5358, NRC 4550, NRC 10400, NRC 7640, NRC 4033, NRC 16026, NRC 15172, NRC 5453, NRC 4777, NRC 8093, NWX 70058, URT 4702, IC 55966, IC 52649, IC 50170, IC 52551, IC 50098, ART 22568, ART 22812, ART 24031, ART 16543, ART 23907, ART 19555, ART 19820, ART 16763, ART 15797, ART 23657, ART 16750, ART 23238, ART 20040, ART 19890, ART 22562, ART 21725, ART 17561, NWX 50034, NRC 7521, NAD 12585, RD 21432, RD 24179, FGE 32493, PFE 14001, PFE 16273, URT 8108, and ART 18782 containing potatoes originating in Arkansas and Oklahoma, now on hand at the Chicago Produce Terminal Company tracks consigned to Edward H. Anderson & Company, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12526; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 66 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing ERDX 9565 containing potatoes from North Dardanelle, Arkansas, now on hand at Chicago on Chicago Produce Terminal Company tracks consigned to Edward H. Anderson & Company.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12527; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 67 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once after the first or initial icing and any authorized reicing MDT 146887, MDT 3045, MDT 6439, MDT 146501, MDT 20886, MDT 3524, MDT 20901, MDT 16857, GAR 68501, ART 23461, ART 23704, ART 73893, ART 19113, NRC 4587, NRC 6561, NRC 5513, URT 3093, NRC 5614, NRC 4777, ART 17561, IC 55966, NRC 5525, ART 23907, NRC 4550, NRC 5358, PFE 14001, IC 52551, NRC 8093, NRC 15172, ART 16750, URT 8108, NRC 15250, FGE 32492, NWX 70058, and NRC 5453 containing potatoes now on hand on the Chicago Product Terminal Company tracks consigned to Edward H. Anderson & Company.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12528; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 68 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing NRC 4240 containing potatoes originating at Mena, Arkansas, now on hand at Chicago on the Chicago Produce Terminal Company tracks consigned to Wilensky and Company.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12529; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 69 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice MDT 19690, PFE 18505, NRC 6797, MDT 20394, MDT 21529, PFE 25677, MDT 4413, MDT 16724, MDT 18343, MDT 19509, RD 24179, NRC 15244, NRC 7640, ART 22562, ART 23657, and ART 19820 originating in Arkansas and Oklahoma now on hand at Chicago on the Chicago Produce Terminal Company tracks consigned to Edward H. Anderson & Company.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12530; Filed, August 2, 1943; 11:32 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 279, Amdt.]

STOCK OF NORTH POINT CONSOLIDATED ENGINEERING COMPANY

Whereas by Vesting Order Number 279 of October 31, 1942, the undersigned vested among other items, all right, title, interest, and estate of the persons listed in Exhibit "A" attached to that Vesting Order and by reference made a part thereof, in and to certain shares of stock in the North Point Con. Irrigation Company, and water certificates in said company, as described therein; and

Whereas in describing said shares and water certificates certain typographical errors were inadvertently made;

Now therefore, Vesting Order Number 279 is hereby amended as follows and not otherwise:

Under section (a), subparagraph (1), the following words are deleted:

160 shares of North Point Con. Irrigation Company stock, Certificate #164 and Water Certificate Nos. 161 and 163, for an additional 70 shares of water in said Irrigation Company; and

and the following substituted therefor:

140 shares of North Point Consolidated Irrigation Company stock (Certificate No. 184) and 140 shares of water in said irrigation company (Water Certificates Nos. 151 and 163 for 70 shares each); and

All other provisions of said Vesting Order Number 279 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on July 28, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12585; Filed, August 3, 1943; 10:30 a. m.]

[Vesting Order 1593]

ORIGINAL LAMINATED PATENTBARREL CO. INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that M. Georg Mueller, whose principal place of business is located in Leipzig, Germany, is a national of a designated enemy country (Germany);

2. Finding that Original Laminated Patentbarrel Co. Inc. is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

3. Finding that 160 shares of $100 par value common capital stock of Original Laminated Patentbarrel Co., Inc. are registered in the name of and owned by M. Georg Mueller;

4. Finding that said 160 shares constitute a substantial part (namely, 31.37%) of all the issued and outstanding capital stock of Original Laminated Patentbarrel Co. Inc. and represent an interest therein;

5. Finding, therefore, that Original Laminated Patentbarrel Co. Inc. is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of the Original Laminated Patentbarrel Co. Inc. to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 5, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12571; Filed, August 3, 1943; 10:27 a. m.]

[Vesting Order 1747]

A. V. PUBLISHING CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 1640 of June 10, 1943, that German American Bund, an unincorporated association, with its principal office in New York, New York, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. Finding that A. V. Publishing Corporation is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

3. Finding that while none of the certificates of the common (voting) stock has been issued, four shares thereof, constituting control of A. V. Publishing Corporation, were authorized to be issued to the following:

	Share
G. Wilhelm Kunze	1
August Klapprott	1
Gustav J. Elmer	1
Willy Luedtke	1
Total	4

as officers of both A. V. Publishing Corporation and German American Bund, to be held by them in trust for the benefit of the German American Bund;

4. Finding that A. V. Publishing Corporation as an instrumentality of the German American Bund is controlled by and acts for and on behalf of a designated enemy country (Germany) or persons within such country;

5. Determining, therefore, that A. V. Publishing Corporation is a national of a designated enemy country (Germany);

6. Finding that the property described as follows:

All right, title and interest in and to, including the right to the issuance of certificates for, 4 shares of the no par value common stock of A. V. Publishing Corporation, authorized to be issued to G. Wilhelm Kunze, August Klapprott, Gustav J. Elmer, and Willy Luedtke, and to be held by them in trust for the benefit of the German American Bund,

is an interest in the aforesaid business enterprise held by a national of a designated enemy country (Germany);

7. Determining that to the extent that such nationals are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of anw such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12572; Filed, August 2, 1943; 10:27 a. m.]

[Vesting Order 1756]

OAHU JUNK COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Yotaro Fujino and Chiyono Fujino, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

2. Finding that Oahu Junk Company, Ltd., is a corporation organized and doing business under the laws of the Territory of Hawaii and is a business enterprise within the United States;

3. Finding that of the issued and outstanding capital stock of Oahu Junk Company, Ltd., consisting of 900 shares of common having a par value of $100.00 each, 404 shares are registered in the names of the persons listed below in the number appearing opposite each name:

Name:	*Number of shares*
Yotaro Fujino	270
Chiyono Fujino	134
Total	404

4. Finding that the said 404 shares constitute a substantial part (namely 44.89%) of the outstanding capital stock of Oahu Junk Company, Ltd., and represent control thereof;

5. Determining, therefore, that Oahu Junk Company, Ltd., is controlled by the aforesaid persons and is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12573; Filed, August 3, 1943; 10:27 a. m.]

[Vesting Order 1761]

FURNITURE AND PERSONAL EFFECTS OWNED BY ANNA SCHMITZ

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Anna Schmitz, the wife of Ernst Schmitz, is a resident of Germany and is a national of a designated enemy country (Germany);

2. Finding that Anna Schmitz is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Certain furniture and personal effects, described in Exhibit A, attached hereto and by

reference made a part hereof, stored in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York City, in the name of Mrs. E. Schmitz,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, on within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12574; Filed, August 3, 1943; 10:28 a. m.]

[Vesting Order 1767]

AN OIL PAINTING BY GAUGUIN, OWNED BY THEA STERNHEIM

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Thea Sternheim is a citizen of Germany, whose last known address was 7 Rue Antoine Chantin, Paris, XIVe, France, and is a resident of an enemy-occupied country (France), and is a national of a designated enemy country (Germany);

2. Finding that said Thea Sternheim is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

An oil painting by Gauguin entitled "Three Dogs, Three Wineglasses, Three Apples", presently in the custody of The Museum of Modern Art, 11 West 53rd Street, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that the aforesaid national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12575; Filed, August 3, 1943; 10:28 a. m.]

[Vesting Order 1822]

PATENTS OWNED BY HEINRICH KOPPERS G. M. B. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Heinrich Koppers G. m. b. H. is a corporation organized under the laws of Germany and is, therefore, a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Heinrich Koppers G. m. b. H.

3. Finding that the property described as follows:

All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent No.	Date of issue	Inventors	Title
1,937,028	11/28/33	Elisabeth Lux, Wilhelm Heinrich Daniels, and Eberhard Kuhn.	Method and apparatus for making refractory bricks.
1,944,989	1/30/34	Elisabeth Lux	Method and apparatus for making ceramic shapes.
1,945,236	1/30/34	Julius Schuffler	Silica brick.
1,957,421	5/1/34	Wilhelm Heinrich Daniels and Josef Daniels	Molding press.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12577; Filed, August 3, 1943; 10:30 a. m.]

[Vesting Order 1826]

PATENT APPLICATION OF ERNST ALFRED MAUERSBERGER

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Ernst Alfred Mauersberger is a resident of The Netherlands and a citizen of Germany and is therefore a national of foreign countries (The Netherlands and Germany);

2. Finding that the patent application and other property related thereto identified in subparagraph 3 hereof are property of Ernst Alfred Mauersberger;

3. Finding, therefore, that the patent application described as follows:

Serial No. 151,843; filing date, 7/3/37; inventor, Ernst Alfred Mauersberger; title, aliphatic alcohols.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of a national of foreign countries (The Netherlands and Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12579; Filed, August 3, 1943; 10:31 a. m.]

[Vesting Order 1867]

SEABOARD TRUST CO. v. PHILIP J. LEWIS, ET AL.

In re: Seaboard Trust Company v. Philip J. Lewis, et al.; File D–28–3638; E. T. sec. 5919.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph J. Garibaldi, of Jersey City, New Jersey, Substituted Trustee, acting under the judicial supervision of the Court of Chancery of New Jersey, Trenton, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Rudolf Grunhagen	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rudolf Grunhagen in and to the proceeds of the sale of a mortgage held by Joseph J. Garibaldi, Substituted Trustee, for the benefit of Philip J. Lewis, Gustave Henry Lewis and Rudolf Grunhagen.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12576; Filed, August 3, 1943; 10:27 a. m.]

[Vesting Order 1868]

TRUST UNDER WILL OF PAUL SEGLIE

In re: Trust under will of Paul Seglie, deceased; file D–38–333; E. T. sec. 330.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Commonwealth-Merchants Trust Company of Union City, New Jersey, Trustee, acting under the judicial supervision of the Court of Chancery of New Jersey, Trenton, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Antoinette Barberis	Italy.
Emma Barberis	Italy.
Paul Barberis	Italy.
Clotilde Barberis	Italy.
James Barberis	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Antoinette Barberis, Emma Barberis, Paul Barberis, Clotilde Barberis and James Barberis, and each of them in and to the Trust Estate created under the will of Paul Seglie, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12582; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1869]

ESTATE OF FRANCESCO SIMONE

In re: Estate of Francesco Simone, deceased; File D–38–122; E. T. sec. 4041.

Under the authority of the Trading with the Eenemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis Semona, Administrator, 2319 Kenton Street, Cincinnati, Ohio, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Hamilton;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Nicola Simone	Italy.
Stella S. Salladino	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Nicola Simone and Stella S. Salladino, and each of them, in and to the estate of Francesco Simone, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12583; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1870]

TRUST UNDER WILL OF ANNA TAG

In re: Trust under will of Anna Tag, deceased; File D–28–1743; E.T. sec. 837.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Continental Bank and Trust Company of New York, 30 Broad Street, New York, N. Y., Trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Albert Tag	Germany.
Heinrich Brunner, his wife and his issue whose names are unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albert Tag, Heinrich Brunner, his wife and his issue whose names are unknown, and each of them, in and to the Trust Estate created under the Last Will and Testament of Anna Tag, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12584; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1871]

ESTATE OF LOUISE WIEDMANN

In re: Estate of Louise Wiedmann, deceased; File D–28–3588; E. T. sec. 5834.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William E. Shappell, Administrator, c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Eugen Wiedmann	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order

or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eugen Wiedmann, in and to the Estate of Louise Wiedmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12586; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1885]

TRUST UNDER WILL OF HELLMUTH W. JARCHOW

In re: Trust under the will of Hellmuth W. Jarchow, deceased; File No. D–28–1398; E. T. sec. 119.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Chase National Bank of the City of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Siegfried R. Kirchhoff	Germany.
Erna C. Kirchhoff	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Siegfried R. Kirchhoff and Erna C. Kirchhoff, and each of them, in and to a trust created under the Will of Hellmuth W. Jarchow, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 26, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12587; Filed, August 3, 1943; 10:30 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A–3]

OMAHA, NEBRASKA AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof[1] (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Omaha, Douglas County, Nebraska, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance

[1] Filed as part of the original document.

with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–3" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–12591; Filed, August 3, 1943; 11:19 a. m.]

[Supp. Order ODT 20A–4]

JACKSON, MISSISSIPPI AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof[1] (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Jackson, and between points in Hinds County, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–4" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of
Defense Transportation.

[F. R. Doc. 43–12592; Filed, August 3, 1943; 11:19 a. m.]

[Supp. Order ODT 20A–5]

COLUMBUS, MISSISSIPPI AREA

CCORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1[1] hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Columbus, Mississippi, and vicinity, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators

[1] Filed as part of the original document.

named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–5" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–12593; Filed, August 3, 1943; 11:20 a. m.]

[Supp. Order ODT 20A–6]

ABERDEEN, MISSISSIPPI, AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1[1] hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Aberdeen, Mississippi, and vicinity, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–6" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–12594; Filed, August 3, 1943; 11:20 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 31, 1943.

Order number:	*Name*
MPR 136, as amended, Order 82.	D. S. Plumb Co., Inc.
RMPR 125, Order 41.	Dorchester Brass & Aluminum Foundry Inc.
MPR 189, Order 5, Amendment 1.	Jenkins & McCall Coal Co.
MPR 241, Order 2.	Michigan Malleable Iron Co.
MPR 244, Order 32.	Union Foundry Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12540; Filed, August 2, 1943; 11:45 a. m.]

[Order 1 Under MPR 409]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 9: *It is ordered:*

(a) Packers are authorized to sell and deliver the frozen fruits, berries and vegetables covered in Maximum Price Regulation No. 409 under an agreement with the buyer in each case to adjust the selling price to conform with maximum prices to be established by the Office of Price Administration in Amendment No. 2 to the regulation, which is forthcoming.

(b) This order may be revoked as amended by the Price Administrator at any time.

This order becomes effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12610; Filed, August 3, 1943; 11:47 a. m.]

Regional, State, and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 31, 1943.

REGION I

New Hampshire Order 4, Amendment 1, Filed 11:09 a. m.
Springfield Order 4, Amendment 1, Filed 10:59 a. m.
Rhode Island Order 4, Filed 10:59 a. m.

REGION II

New York Order 4, Amendment 4, Filed 11:00 a. m.
Altoona Order 5, Filed 3:03 p. m.
Syracuse Order 3, Amendment 1, Filed 3:03 p. m.

REGION III

Charleston, W. V. Order 1, Filed 2:55 p. m.
Carleston, W. V. Order 1, Amendment 1, Filed, 3:03 p. m.
Charleston, W. V. Order 2, Filed 3:02 p. m.
Charleston, W. V. Order 3, Filed 3:02 p. m.
Cleveland Order 16, Filed 3:01 p. m.
Lexington Order 5, Amendment 1, Filed 3:04 p. m.
Lexington Order 7, Filed 3:04 p. m.
Cincinnati Order 4, Filed 4:14 p. m.
Cincinnati Order 5, Filed 4:15 p. m.
South Bend Order 7, Filed 3:04 p. m.
Indianapolis Order 7, Filed 2:58 p. m.
Indianapolis Order 8, Filed 2:58 p. m.
Saginaw Order 15, Filed 4:15 p. m.

REGION IV

Norfolk Order 1, Filed 2:55 p. m.
Norfolk Order 2, Filed 2:57 p. m.
Norfolk Order 3, Filed 2:57 p. m.

REGION V

Wichita Order G-5, Filed 11:09 a. m.
Fort Worth Order 4, Amendment 1, Filed 11:00 a. m.

REGION VI

Milwaukee Order 3, Amendment 2, Filed 11:04 a. m.
Milwaukee Order 3, Amendment 3, Filed 11:03 a. m.
Milwaukee Order 10, Filed 11:01 a. m.
Quad-Cities Order 5, Amendment 1, Filed 11:04 a. m.

REGION VII

Denver Order 16, Filed 11:05 a. m.
Denver Order 17, Filed 11:05 a. m.
Denver Order 19, Filed 11:06 a. m.

REGION VIII

Nevada Order 5, Filed 11:08 a. m.
Los Angeles Order 3, Amendment 4, Filed 11:09 a. m.
Phoenix Order 5, Amendment 1, Filed 11:08 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12556; Filed, August 2, 1943; 4:20 p. m.]

[Region I Order G-7 Under Rev. MPR 122, Corr. to Amdt. 2]

BITUMINOUS COAL IN THE METROPOLITAN BOSTON AREA

Correction to Amendment No. 2 to Order No. G-7 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Bituminous coal—Metropolitan Boston Area.

In the table of prices in subparagraph (1) of paragraph (c), the price for High volatile modified stoker in the column headed Class V is corrected to read "8.35" instead of "9.35".

This correction shall become effective as of July 23, 1943.

Issued this 29th day of July 1943.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 43-12475; Filed, July 31, 1943; 4:08 p. m.]

[Detroit Order G-2 Under MPR 376]

FRESH FRUITS AND VEGETABLES IN THE DETROIT DISTRICT

Order No. G-2 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, and by him delegated to the District Director of the Detroit District Office of the Office of Price Administration under the provisions of that section, *It is hereby ordered:*

(a) *Maximum price.* (1) The maximum price per pound in the Detroit District for sales by any packer of repacked tomatoes packed by him shall be determined in accordance with the provisions of Order No. G-1 under Maximum Price Regulation No. 376 issued by the Cleveland Regional Office April 29, 1943, except that the packer's terminal base price per pound for repacked tomatoes shall be his terminal base price per pound for field grown tomatoes in the original container plus 2½ cents.

(b) *Definitions*—(1) "Repacked tomatoes" are tomatoes which have been selected, graded, culled, ripened and repacked in other than the original container.

(2) A "packer" shall be any wholesaler as defined in Order No. G-1 under Maximum Price Regulation No. 376 issued by the Cleveland Regional Office who purchases field grown tomatoes and processes them into repacked tomatoes.

(3) The definitions contained in Order No. G-1 under Maximum Price Regulation No. 376 issued by the Cleveland Regional Office are hereby incorporated into and made a part of this order.

(4) The Detroit District consists of the following counties of the State of Michigan:

Clinton.	Macomb.
Eaton.	Monroe.
Hillsdale.	Oakland.
Ingham.	St. Clair.
Jackson.	Washtenaw.
Lenawee.	Wayne.
Livingston.	

(c) This order may be revoked, amended, or corrected at any time.

This order shall be effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of July 1943.

W. E. FITZGERALD,
Acting District Director.

[F. R. Doc. 43-12552; Filed, August 2, 1943; 11:55 a. m.]

[Region IV Order G-3 of Rev. MPR 122]

SOLID FUELS IN FULTON AND DE KALB COUNTIES, GA.

Order No. G-3 under § 1340.260 of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Maximum prices for solid fuels in Fulton and De Kalb Counties, in the State of Georgia.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, *It is ordered:*

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels made in Fulton and De Kalb Counties in the State of Georgia. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in Fulton and De Kalb Counties in the State of Georgia; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(2) This order contains three price schedules. The first applies to sales of high volatile bituminous coal for domestic or consumers delivery in various quantities and forms of delivery, and includes charges for services. The second applies to less than carload sales of forty tons or more of specified high volatile bituminous coals, and the third applies to carload sales of high volatile bituminous coals.

(b) *What this order prohibits.* Regardless of any obligation, no person shall (1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-3 but less than maximum prices may at any time be charged, paid, or offered,

(2) Obtain a higher than maximum price by (i) Charging for a service which is not expressly requested by the buyer and which is not specfically authorized by this order,

(ii) Charging a price higher than the schedule price for a service,

(iii) Making a charge higher than the schedule charge authorized for the extension of credit,

(iv) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(v) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule I—Sales on a "direct delivery or domestic" basis.* (1) Price Schedule 1 sets forth maximum prices for retail sales of specified sizes, kinds and quantities of solid fuels deliv-

ered to consumers at any point in Fulton and De Kalb Counties of the State of Georgia.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NOS. 8 AND 13

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Lump, chunk, or block	$9.20	$4.85	$2.68
Egg	8.95	4.73	2.61
Stoker	8.95	4.73	2.61
Nut and slack	6.70	3.60	2.05
Montevallo 8" block	10.40	5.45	2.98

(2) *Maximum authorized service charges and deductions*—(i) *Carry or wheel service.* If buyer requests such service, the dealer may charge not more than 50 cents per ton for such service.

(ii) *Carry upstairs.* If buyer requests such service, the dealer may charge not more than $1.00 per ton for such service.

(iii) *Sacking.* Dealer may charge $1.00 per ton for the service of putting coal in sacks furnished by the purchaser; the dealer may charge $3.00 per ton for the same service if he furnishes the sacks.

(iv) *Credit.* Dealer may charge not more than 25 cents per ton for credit extending beyond 10 days after date of delivery.

(v) *Yard sales.* When the buyer picks up coal at the dealer's yard the dealer must reduce the domestic price of lump, chunk, or block coal $1.25 per ton, and must reduce the domestic price of egg coal $1.00 per ton on one ton or more.

(vi) *Less than ¼ ton yard sales.* On yard sales of sacked high volatile bituminous coal a dealer may charge not more than 50 cents per 80 lb. sack. On yard sales of unsacked coal in quantities of less than 500 pounds, buyer furnishing the take away receptacle, a dealer may charge not more than 40 cents per 100 lbs. for high volatile bituminous coal and may limit such sales to not less than 250 lbs.

(d) *Price Schedule II—Sales on less than carload commercial basis.* Price Schedule II sets forth maximum prices for commercial sales, 40 tons or more, of specified sizes and kinds of solid fuels delivered to consumers at any point in Fulton and DeKalb Counties in the State of Georgia.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NOS. 8 AND 13

Size:	Per ton 2,000 lbs.
Egg	$7.45
Nut and slack	6.25

(e) *Price Schedule III—Sales on commercial carload basis.* Price Schedule III sets forth maximum prices for commercial carload sales of specified sizes and kinds of solid fuels delivered to consumers at any point in Fulton and DeKalb Counties in the State of Georgia.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NOS. 8 AND 13

Size:	Per ton 2,000 lbs.
Egg	$6.80
Nut and slack	6.10

(f) *Ex parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (n) (2). But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(g) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(j) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(j) *Records and reports.* Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(k) *Posting of maximum prices: sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order. This paragraph (n) (2) shall not apply to sales of quantities of less than one-quarter ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Atlanta Office of the Office of Price Administration.

(m) *Definitions and explanations.* When used in this Order No. G-3 the term,

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or of any fuel in quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(8) "High volatile bituminous coal" is produced in the high volatile sections of the producing districts specified herein.

(9) "Lump, egg, stoker, nut and slack" sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(q) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. C–3 shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued August 2, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–12557; Filed, August 2, 1943; 4:21 p. m.]

[Fort Worth Order G–1 Under GO 50]

DOMESTIC MALT BEVERAGES IN THE FORT WORTH, TEXAS, DISTRICT

Order No. G–1 under General Order 50. Filing of prices by restaurants and similar establishments: Delegations of authority to fix maximum prices. Prices of domestic malt beverages in the Fort Worth District.

In the judgment of the District Director of Fort Worth, Texas, the prices of domestic malt beverages sold for immediate consumption in the counties of Archer, Bell, Concho, Falls, McLennan, Palo Pinto, Shackelford, Stephens, Tarrant, and Tom Green, Texas, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of Fort Worth, Texas, Region No. V, the maximum prices established by this order are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the District Director of Fort Worth, Texas, Region V, gave due consideration to prices prevailing between October 1 and 15, 1941, and March, 1942, and April, 1943, and has consulted with the representatives of those affected by this regulation.

An opinion accompanying this order is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and General Order No. 50, issued by the Administrator of the Office of Price Administration and Region V Delegation Order, dated April 13, 1943, District Director of Fort Worth, Texas, Region V hereby issues this Fort Worth Order No. G–1, establishing as maximum prices for domestic malt beverages sold for immediate consumption in the counties mentioned, the maximum prices set forth in section 9 herein.

SECTION 1. *What this order does.* In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars-and-cents" maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "eating or drinking place" located in the Fort Worth District, composed of the following counties in the State of Texas:

Archer.	Palo Pinto.
Bell.	Shackelford.
Concho.	Stephens.
Falls.	Tarrant.
McLennan.	Tom Green.

SEC. 2. *What this order covers.* The beverage items to which this order applies are: (a) Domestic malt beverages as defined in section 7 hereof and commonly known as beer or ale.

SEC. 3. *Prohibition against sales of beverage items above maximum prices.* (a) On and after the effective date of this order, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver any beverage item subject to this order at higher prices than the maximum prices set forth herein.

(2) No person shall buy or receive any beverage item subject to this order in the course of trade or business at higher prices than the maximum prices set forth herein.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Posting*—(a) *Selling prices.* All persons subject to this order must post in the "eating or drinking place", plainly visible to their customers, their selling prices for the beverage items listed in section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this order must post in a conspicuous place in the "eating or drinking place" a list of the "dollars-and-cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. *Applicability of General Order No. 50.* This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. *Applicability of General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "eating or drinking places", subject to this order:

(a) Sales slips and receipts—§ 1499.14.
(b) Registration—§ 1499.15.
(c) Licensing—§ 1499.16.

SEC. 7. *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg, or other container by a "person" owning or operating an "eating or drinking place" subject to this regulation.

(c) "Person" includes an individual, corporation, partnership, trust or estate, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any state, county, or municipal government, or any of its political subdivisions, and any agencies of any of the foregoing: *Provided,* That no punishment provided by this regulation shall apply to the United States, or to any such government, political subdivisions, or agency.

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restaurant, hotel, cafe, boarding house, coffee shop, tea room, private club, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "eating or drinking places" for consumption in or about the place or to be taken out for consumption, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominately for transient occupancy.

(h) *Other definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 8. *Exempt sales.* Sales by the following "eating or drinking places" are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

(d) Any place of business which does not make sales of food or beverages for consumption on the premises where sold.

Such aforesaid sales, not otherwise exempt from price control, shall remain subject to the appropriate Maximum Price Regulation or order.

SEC. 9. *Maximum "dollars-and-cents" prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order, are:

(1) In bottles	Maximum price per bottle	
	12 oz.	32 oz.
Brand or trade name:	*Cents*	*Cents*
Pabst Ale	20	----
Blatz Pilsner	16	36
Budweiser	16	36
Hamm's Preferred	16	----
Kingsbury	16	36
Muehlebach	16	36
Muehlebach Pilsner	16	36
Pabst Blue Ribbon	16	----
Schlitz	16	36
Berlin	11	26
Blue Bonnet	11	26
Bohemian Style	11	----
Canadian Ace	11	26
Falstaff	11	26
Grand Prize	11	26
Haas	11	26
Jax	11	26
Koller	11	----
Lang	11	----
Mellow Brew	11	----
Old Gold	11	26
Pearl	11	26
Pioneer	11	----
Polo	11	26
Pom Roy	----	26
Schott's Highland	11	----
Silver Cream	11	----
Silver Fox	11	26
Southern Select	11	26
Topaz	11	26
White Seal	11	----

(2) *On draught.* All brands domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢).

Other quantities of any or all brands of domestic malt beverage (beer or ale), sold on draught, may be sold by any "eating or drinking place" to which this order applies: *Provided,* That such "eating or drinking place" dispenses no less than one (1) fluid ounce, exclusive of foam, of domestic malt beverage (beer or ale) for each one cent (1¢) charge.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "eating or drinking place" subject to this regulation, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

SEC. 10. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Fort Worth District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant, location and type of "eating or drinking place", trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Fort Worth District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

SEC. 12. *Taxes.* The dollars-and-cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state, and federal taxes in effect as of the effective date of this regulation. In the event of an increase in an existing tax or of the levy of a new or additional tax, not in effect on the effective date of this regulation, the Fort Worth District Director of the Office of Price Administration may make such adjustment in the maximum prices provided for herein, as may appear equitable and just.

SEC. 13. *Evasion.* The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

SEC. 14. *Enforcement.* "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 16. *Effective date.* This order becomes effective at 12:01 a. m., central war time, July 26, 1943.

SEC. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Fort Worth, Texas, this 15th day of July 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 43-12542; Filed, August 2, 1943; 11:55 a. m.]

[Fort Worth Order G-1 Under G. O. 50, Amdt. 1]

DOMESTIC MALT BEVERAGES IN THE FORT WORTH, TEXAS, AREA

Filing of prices by restaurants and similar establishments: delegation of authority to fix maximum prices.

For the reasons set forth in the opinion issued simultaneously herewith and under authority invested in the District Director of Fort Worth, Texas, of Region V of the Office of Price Administration under General Order No. 50 and Region V Delegation Order dated April 13, 1943: *It is hereby ordered,* That Fort Worth District Order No. G-1 be and the same is hereby amended as follows:

Section 9 of such order is hereby amended to read as follows:

SEC. 9. *Maximum "Dollars-and-Cents" Prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order, are:

(1) In bottles	Maximum price per bottle		
	12 oz.	24 oz.	32 oz.
Brand or trade name:	*Cents*	*Cents*	*Cents*
Pabst Ale	20	----	----
Blatz Pilsner	16	----	36
Budweiser	16	----	36
Canadian Ace	16	----	36
Hamm's Preferred	16	----	----
Kingsbury Pale	16	----	36
Muehlebach Pilsner	16	----	36
Pabst Blue Ribbon	16	----	36
Pilsner Club	16	31	36
Schlitz	16	----	36
Schoot's Highland	16	----	----
Silver Cream	16	31	36
A B C	11	----	----
Berlin	11	----	26
Blue Bonnet	11	----	26
Embassy Club	11	----	----
Falstaff	11	----	26
Grand Prize	11	----	26
Haas	11	----	26
High Brau	11	----	----
Jax	11	----	26
Koller	11	----	----
Lang	11	----	----
Lone Star	11	----	----
Mellow Brew	11	21	26
Mountain Top	11	----	----
Muskegon	11	----	----
Old Gold	11	----	26
Pearl	11	----	26
Pioneer	11	21	----
Polo	11	21	----
Pom Roy	----	----	26
Prima	11	21	26
Roebuck	11	----	----
Shiner	11	----	----
Silver Fox	11	----	26
Southern Select	11	----	26
Topaz	11	----	----
White Seal	11	----	----

This Amendment No. 1 to Fort Worth District Order No. G–1 shall become effective at 12:01 a. m., July 26, A. D. 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Fort Worth, Texas, this 23rd day of July 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 43–12543; Filed, August 2, 1943; 11:48 a. m.]

[Oklahoma City Order G–1 Under G. O. 50, Amdt. 1]

DOMESTIC MALT BEVERAGES IN THE OKLAHOMA CITY, OKLA. DISTRICT

Order No. G–1, Amendment No. 1 under General Order No. 50. Filing of prices by restaurants and similar establishments: Delegation of authority to fix maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Oklahoma City, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13, 1943, *It is hereby ordered*, That section 11 be amended to read as set forth below:

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any domestic malt beverage of a trade name or brand not specifically priced by section 9 herein shall determine the price of such domestic malt beverages in the following manner:

If the bona fide net cost of the unlisted brand of domestic malt beverage is $1.99 or less per case of 24 twelve-ounce bottles, the maximum retail ceiling price shall be 11 cents per 12-ounce bottle. Such unlisted brands of domestic malt beverage in the 32-ounce size shall have a maximum retail ceiling price of 26 cents per 32-ounce bottle.

If the bona fide net cost of the unlisted brand of domestic malt beverage is $2 or more per case of 24 twelve-ounce bottles, the maximum retail ceiling price shall be 16 cents per 12-ounce bottle. Such unlisted brands of domestic malt beverage in the 32-ounce size shall have a maximum retail ceiling price of 36 cents per 32-ounce bottle.

Domestic malt beverage served in any container other than 12-ounce or 32-ounce shall be priced on an exact quantity ratio basis adjusted to the nearest cent; such ratio shall be to either the 12-ounce size or the 32-ounce size of the same brand, whichever is most nearly comparable in size.

The retailer is required to maintain and make available to any authorized representative of the Office of Price Administration invoices, receipts, or other prima facie evidence, to substantiate such net cost, and, in addition, such evidence must identify the source of supply by name and address.

"Net cost" as that term is used herein means the price charged by the wholesale supplier of domestic malt beverage to the retailer provided that such price is not in excess of the wholesale supplier's maximum ceiling price as determined under Maximum Price Regulation No. 259.

Within five days after determining the price for a new brand of malt beverage, the seller shall report the price so determined to the Price Panel of the War Price and Rationing Board of the county in which said place of business is located, setting forth the brand, unit package, and net cost, and also the source of supply, whether jobber, wholesaler, manufacturer or distributor. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Amendment to Order No. G–1 under General Order No. 50 shall become effective at 12:01 a. m., central war time, July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808.

Issued at Oklahoma City, Oklahoma, this 16th day of July 1943.

REX A. HAYES,
District Director.

[F. R. Doc. 43–12474; Filed, July 31, 1943; 4:04 p. m.]

[Region VI Order G–2 Under SR 15 to GMPR]

FLUID MILK IN GRAND FORKS, N. DAK., AND EAST GRAND FORKS, MINN.

Order No. G–2 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Grand Forks, North Dakota and East Grand Forks, Minnesota. (Formerly Order No. G–13.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Grand Forks, North Dakota, and East Grand Forks, Minnesota, depend for their supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and sub-paragraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	½ pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	.25

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the Regional Office of the Office of Price Administration located in Chicago, Illinois, or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form.

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	
Quart	
Pint	
½ pint	

5. This order shall apply to sales and deliveries within the cities of Grand Forks, North Dakota and East Grand Forks, Minnesota, and within an area of one mile from the respective city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the Chicago Regional Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price & Rationing Board, and insofar as practicable the information contained herein shall be made available to the press serving Grand Forks, North Dakota and East Grand Forks, Minnesota.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This Order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

(Pub. Laws 421 and 279, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12544; Filed, August 2, 1943; 11:55 a. m.]

[Region VI Order G-3 Under SR 15 to GMPR]

FLUID MILK IN THE BLACK HILLS AREA OF SOUTH DAKOTA

Order No. G-3 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Black Hills Area, South Dakota. (Formerly Order No. 14.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which the Black Hills area in South Dakota depends for their supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are or shortly will be paying to producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	Half pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the South Dakota State Office of the Office of Price Administration, or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	----------
Quart	----------
Pint	----------
½ pint	None.

5. This order shall apply to sales and deliveries within the area of the State of South Dakota described as follows: all of Butte, Lawrence, Custer and Fall River Counties, and that part of Pennington and Meade Counties lying west of a line extended south from the eastern boundary of Butte County, to a point where such line intersects the north boundary of Custer County, except the area already covered by Order No. 2 (redesignated as Order No. G-2) under Amendment No. 34 to Supplementary Regulation No. 14 dated October 7, 1942, being the area written by the city limits of Rapid City and within six miles from the city limits thereof and in addition the Rapid City Army Air Base.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the South Dakota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Boards, and insofar as practicable the information contained herein shall be made available to the press serving the Black Hills area.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 16, 1942.

[F. R. Doc. 43-12558; Filed, August 2, 1943; 4:21 p. m.]

[Region VI Order G-3 Under SR 15 to GMPR, Amdt. 1]

FLUID MILK IN THE BLACK HILLS AREA OF SOUTH DAKOTA

Amendment No. 1 to Order G-3 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Previously known as Regional Order No. 14 under Supplementary Regulation No. 15.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Order G-3 under § 1499.75 of the General Maximum Price Regulation (previously known as Regional Order No. 14 under Supplementary Regulation No. 15) be amended by deleting paragraph 7 thereof.

This amendment shall become effective April 26, 1943.

Issued this 21st day of April 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12545; Filed, August 2, 1943; 11:54 a. m.]

[Region VI Order G-4 Under SR 15 to GMPR]

FLUID MILK IN VELVA, N. DAK.

Order No. G-4 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Velva, North Dakota. (Formerly Order No. 15.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Velva, North Dakota depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and sub-paragraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint	½ pint
Wholesale (cents)	1.0	0.5	0.25
Retail (cents)	1.0	.5	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figure containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

5. This order shall apply to all sales and deliveries within the City of Velva, North Dakota, within an area of one mile of the city limits thereof and to sales and deliveries made to the Truax Traer mine located near Velva, North Dakota and to persons employed in said mine and any retailers serving said employees.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the North Dakota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Velva, North Dakota.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 20, 1942.

[F. R. Doc. 43-12546; Filed, August 2, 1943; 11:54 a. m.]

[Region VI Order G-5 Under SR 15 to GMPR]

FLUID MILK IN ST. EDWARDS, NEBR.

Order No. G-5 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in St. Edwards, Nebraska. (Formerly Order No. 16.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which St. Edwards, Nebraska depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942 and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maxium prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint	½ pint
Wholesale (cents)	1.0	0.5	0.25
Retail (cents)	1.0	.5	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by

the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

5. This order shall apply to all sales and deliveries within the city of St. Edwards, Nebraska, and within an area of one mile of the city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the Nebraska State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made availabel to the press serving St. Edwards, Nebraska.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12547; Filed, August 2, 1943; 11:50 a. m.]

[Region VI Order G-6 Under SR 15 to GMPR]

FLUID MILK IN HENDERSON, MINN.

Order No. G-6 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Henderson, Minnesota. (Formerly Order No. 17.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Henderson, Minnesota depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid consumption necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under Section 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at retail by § 1499.2 of the General Maximum Price Regulation are herein increased by one cent a quart.

2. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

3. This order shall apply to all sales and deliveries within the City of Henderson, Minnesota and within an area of one mile of the city limits thereof.

4. All sellers of milk who purchase milk directly from the producers thereof shall file with the Minnesota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

5. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

6. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Henderson, Minnesota.

7. This order shall be effective from the issuance date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12548; Filed, August 2, 1943; 11:50 a. m.]

[Region VI Order G-7 Under SR 15 to GMPR]

FLUID MILK IN ACKLEY, IOWA

Order No. G-7 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Ackley, Iowa. (Formerly Order No. 18.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Ackley, Iowa, depends for its supply of fluid milk has increased 23¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000 in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying Opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof, the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint
Wholesale (cents)	0.5	0.5
Retail (cents)	.5	.5

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 10½¢ for one unit would be adjusted to 11¢ for one unit, 21¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

5. This order shall apply to all sales and deliveries within the City of Ackley, Iowa and within an area of one mile of the city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the Iowa State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Ackley, Iowa.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter or by any supplemental or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12549; Filed, August 2, 1943; 11:52 a. m.]

[Region VI Order G-8 Under SR 15 to GMPR]

FLUID MILK IN EMMETSBURG, IOWA

Order No. G-8 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Emmetsburg, Iowa. (Formerly Order No. 19.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Emmetsburg, Iowa depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000 in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint
Wholesale (cents)	1.0	0.5
Retail (cents)	1.0	.5

2. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 here until and unless he shall have purchased or contracted to purchase milk at an increased price.

3. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

4. This order shall apply to all sales and deliveries within the City of Emmetsburg, Iowa and within an area of three miles of the city limits thereof.

5. All sellers of milk who purchase milk directly from the producers thereof, shall file with the Iowa State Office of the Office of Price Administration a statement on the 20th of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

6. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

7. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Emmetsburg, Iowa.

8. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12550; Filed, August 2; 1943; 11:52 a. m.]

[Region VI Order G-9 Under SR 15 to GMPR]

FLUID MILK IN ROCKFORD, ILL.

Order No. G-9 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Rockford, Illinois. (Formerly Order No. 20.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Rockford, Illinois depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected as the result of the adoption of all practicable measures de-

signed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying Opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15, *It is ordered:*

1. The maximum prices for milk in quart containers at wholesale and retail shall be the prices established for such sellers under § 1499.2 of the General Maximum Price Regulation or the following prices, whichever shall be higher:

	Wholesale to stores	Retail out of stores	Home delivery
Quarts (cents)	9.5	11.0	12.5

2. This order shall apply to all sales and deliveries within the City of Rockford, Illinois, and within an area of two miles of the city limits thereof.

3. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

4. All sellers of milk who purchase milk directly from the producers thereof shall file with the Illinois State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

5. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

6. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Rockford, Illinois.

7. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12551; Filed, August 2, 1943; 11:53 a. m.]

[Region I Order G-8 Under Rev. MPR 122]

BITUMINOUS COAL IN WORCESTER, MASS.

Order No. G-8 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers—straight run of mine bituminous coal—Worcester, Massachusetts area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered:*

(a) *Maximum prices.* The maximum prices established by §§ 1340.254, 1340.256 and 1340.265 of Revised Maximum Price Regulation No. 122 for Straight Run of Mine bituminous coal sold and delivered in the Worcester, Massachusetts Area by dealers are modified, so that the maximum prices therefor per net ton shall be as follows:

Customer classifications: (net ton):	*Price per net ton*
1-2	$10.75
3-60	9.95
61-500	9.35
Over 500	9.10

(b) *Terms and conditions of sale.* (1) The maximum prices established hereby are for delivery of the coal into customer's bin. No additional charge shall be added thereto for carrying or wheeling from truck to bin or for trimming in the bin.

(2) Terms of sale shall be 2% 10 days, net 30 days.

(3) A dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased.

(c) *Customer classifications.* The classification of a customer in one of the tonnage classifications set forth in the Table of Prices in section (a) shall be made upon the basis of that customer's total annual consumption even though he may purchase portions thereof from two or more dealers. In the event that it is impossible for any reason to determine the customer's proper classification at the time of the sale or delivery (as, for example, in the case of a customer who converts from oil to coal), an estimate shall be made of his probable consumption, he shall be tentatively classified upon the basis of that estimate, and the dealer or dealers supplying him shall make an appropriate refund and may require that the customer agree to pay an appropriate additional amount if, when his actual classification has been determined, it appears that he was entitled to a lower price or could properly have been charged a higher one.

(d) *Definitions.* (1) "Straight run of mine bituminous coal" means bituminous coal produced in Producing District 1 which contains all of the coal as produced at the mine; that is, from which no screenings or other sizes have been removed. It shall not include the coal commonly sold by the dealers in the Worcester, Massachusetts Area as "Lumpy run of mine," and which is bituminous coal produced in Producing District 1 and defined by the Bituminous Coal Division as "Domestic, dealer, modified or screened run of mine."

(2) The "Worcester, Massachusetts area" shall consist of the following cities and towns in the Commonwealth of Massachusetts: Auburn, Boylston, Grafton, Holden, Leicester, Millbury, Paxton, Shrewsbury, West Boylston and Worcester.

(3) "Dealer" means any person selling bituminous coal except coal which is delivered from a mine or preparation plant by a producer or distributor, or a person who sold bituminous coal subject to Revised Maximum Price Regulation No. 122 or subject to Maximum Price Regulation No. 122.

(4) "Bituminous Coal Division" means the Bituminous Coal Division of the United States Department of the Interior, and all references to Producing Districts are to the geographical bituminous coal producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they have been or may be modified from time to time by the Bituminous Coal Division.

(5) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(e) *Applicability of Revised Maximum Price Regulation No. 122.* Except as otherwise provided herein, the provisions of Revised Maximum Price Regulation No. 122 shall apply to all transactions which are the subject of this order, except that prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(f) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(g) Lower prices than those set forth herein may be charged, paid or offered.

(h) This order may be revoked, amended or corrected at any time.

This order shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 43-12465; Filed, July 31, 1943; 2:46 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-41, 70-312]

MICHIGAN GAS AND ELECTRIC CO. AND THE MIDDLE WEST CORP.

NOTICE OF FILING AND ORDER FOR HEARING AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of July, A. D., 1943.

Notice is hereby given that an amended declaration or application (or both) has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Michigan Gas and Electric Company, a subsidiary company of The Middle West Corporation, a registered holding company. All interested persons are referred to said amended declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Michigan Gas and Electric Company is a subsidiary company of The Middle West Corporation, a registered holding company. The Michigan company heretofore filed an application, and amendments thereto, pursuant to section 6 (b) of the Act, for exemption from the provisions of section 6 (a) of the Act of the issuance and sale of $3,500,000 principal amount of its First Mortgage Bonds, due March 1, 1972, and $750,000 principal amount of its Serial Debentures, due serially September 1, 1942–March 1, 1952 (File No. 70-312). The Commission ordered a hearing on said application, and instituted proceedings under sections 11 (b) (2), 12 (c) and 15 (f) of the Act against the Michigan company and Middle West (File No. 59-41). The two proceedings were consolidated for hearing.

On June 6, 1942, this Commission entered an Order in said proceedings granting the amended application of the Michigan company, subject to the condition, among others, "that Michigan Gas and Electric Company by appropriate charges to earned surplus set up a reserve for plant adjustments in the amount of $470,000". Said Order further provided "that jurisdiction be and is hereby reserved to consider all matters in these proceedings not hereby determined, including specifically, without limiting the generality of the foregoing, proper statement of the accounts of Michigan Gas and Electric Company, appropriate changes in its reserve for plant adjustments, fair and equitable distribution of voting power among its security holders, restriction of dividends, and any other problems presented under sections 11 (b) (2), 12 (c), 15 (f) and other applicable sections of the Act." Hearings are being held in the proceedings, pursuant to said reservation of jurisdiction.

On June 9, 1942, the Michigan company entered on its books a charge in the amount of $470,000 against earned surplus and a credit in the amount of $470,000 to "reserve for plant adjustments". The effect of making said entry on the Michigan company's books in compliance with said condition of the Commission's said order was to place the earned surplus of the Michigan company in a deficit position. Such earned surplus deficit amounted to approximately $208,400 at June 30, 1942, and to $30,065 at December 31, 1942.

The Michigan company now proposes (1) to reverse on its books said entry of June 9, 1942, above referred to, by charging the "reserve for plant adjustments" account now existing on its books with the sum of $470,000 and by crediting earned surplus on its books with the sum of $470,000; (2) to create capital surplus on its books in the amount of $781,000 through a reduction of its common capital or common capital stock in the amount of $781,000 to be effected by the surrender for cancellation and the retirement of 5,935 shares (out of 15,560 shares presently outstanding) of its $100 par value common stock and 2,500 shares (all presently outstanding) of its no par value common stock, stated value $187,500; (3) to charge such capital surplus with the sum of $470,000 and credit gas utility plant adjustment account with the sum of $470,000; and (4) to use the remainder of such capital surplus ($311,000) to write off such additional items as may be determined in the proceedings, or as a reserve for such purpose, any balance to be available for proper corporate purposes.

The Michigan company states that, so far as it can ascertain from its records, it has received no consideration of any substantial value for $470,000 par amount of its capital stock and has no objection to the elimination of that amount from its plant account through capital surplus to be created by the surrender for cancellation and the retirement of $470,000 par amount of common capital stock of the Michigan company now outstanding.

Middle West and Halsey, Stuart & Co., Inc., holders of the outstanding shares of common capital stock of the Michigan company, have agreed informally to surrender to the Michigan company without consideration, for cancellation and retirement, the 8,435 shares of common stock, for the purposes stated above. Middle West would surrender 4,785 shares (retaining 6,885 shares) of the $100 par value common stock and 1,250 shares (retaining none) of the no par value common stock. Halsey, Stuart & Co., Inc. would surrender 1,150 shares (retaining 2,740 shares) of the $100 par value common stock and 1,250 shares (retaining none) of the no par value common stock.

The Michigan company further proposes to amend its Articles of Incorporation to provide in part as follows:

(1) Each outstanding share of stock of every class shall have one vote, except as otherwise provided by Michigan law and by the amended Articles, on all matters voted upon at any meeting of stockholders.

(2) If at the date of any annual election of directors dividends equivalent to four quarterly dividend installments shall be in default on any outstanding shares entitled to any dividend preference over any other shares, then at such annual election and at each annual election of directors held thereafter, until such default shall have been remedied, the holders of all preference shares, voting as a single class separately from the common stock, shall be entitled to elect the smallest number of directors necessary to constitute a majority of the board, and the common stock, voting separately as a class, shall be entitled to elect the remaining directors.

(3) Any default in dividends on any preference stock shall be deemed remedied when all dividends on each such share shall have been paid in full. Dividends shall be deemed to have been paid in full whenever legally declared and paid, or whenever there shall be surplus or net earnings, earned since the date of the default which gave rise to the special voting right, legally available for such dividends.

(4) Special voting rights for the preference stock shall terminate whenever the default or defaults giving rise to such rights shall have been remedied.

The Michigan company further proposes, out of its earned surplus (to be restored as above set forth), forthwith to pay all arrears ($305,611 at February 28, 1943) in dividends on its Prior Lien Stock, and to resume payment of regular dividends on its Prior Lien Stock and on its Preferred Stock. The Michigan company further proposes to make payments on the arrears of dividends on its Preferred Stock from time to time in such amounts as may be feasible.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, and that said amended application shall not be granted nor said amended declaration permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that some of the evidence in the pending proceedings under sections 11 (b) (2), 12 (c) and 15 (f) of the Act (File No. 59-41) is also relevant to said amended declaration or application filed by Michigan Gas and Electric Company, and that there are common issues to be determined in both proceedings; *It is ordered*, That a hearing on such matters under the applicable provisions of the Act and rules of the Commission thereunder be held on August 24, 1943 at 10 o'clock a. m. e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such amended declaration or application (or both) shall become effective or shall be granted.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by

such amended declaration or application (or both) otherwise to be considered in this proceeding particular attention will be directed at the hearing to the following matters and questions, in addition to those involved in the pending proceedings:

(1) Whether, under section 12 (c) and 12 (f) of the Act, the proposed acquisition by Michigan Gas and Electric Company of shares of its common stock, the proposed surrender by The Middle West Corporation, for cancellation, of shares of the common stock of Michigan Gas and Electric Company, and the proposed declaration and payment of dividends by Michigan Gas and Electric Company would be consistent with protection of the financial integrity and working capital of Michigan Gas and Electric Company and of The Middle West Corporation.

(2) Whether, under section 15 (f) of the Act, the proposed entries, charges and credits in and to the books and accounts of Michigan Gas and Electric Company would properly reflect the proposed transactions.

(3) Whether, and in what amounts, the plant accounts of Michigan Gas and Electric Company include items properly to be recorded as plant adjustments (Account 107), and whether, under section 15 (f) of the Act, such amounts may properly be charged to or reserved for out of capital surplus to be created in the manner proposed.

(4) Whether, under sections 6 (a) (2) and 7 (e) of the Act, the proposed amendment to the Articles of Incorporation of Michigan Gas and Electric Company would result in an unfair or inequitable distribution of voting power among holders of the securities of Michigan Gas and Electric Company or be otherwise detrimental to the public interest or the interest of investors or consumers.

(5) Whether, under sections 6 (a) (2) and 7 (g) of the Act, the proposed amendment to the Articles of Incorporation of Michigan Gas and Electric Company would comply with State laws applicable to said proposed amendment.

(6) Whether, pursuant to sections 6 (a) (2), 7 (e), 7 (f), 7 (g), 12 (c), 15 (f) and other applicable sections of the Act, it is necessary or appropriate to impose any terms and conditions with respect to the proposed transactions in the public interest, for the protection of investors and consumers, or in order to assure compliance with the standards of the Act.

It is further ordered, In the interest of expeditious procedure that the hearing on the matters recited above be and the same is hereby consolidated for hearing with the pending proceedings in the matter of Michigan Gas and Electric Company and The Middle West Corporation, Files No. 59-41 and 70-312, and that evidence be taken in said consolidated hearing with respect to both proceedings, reserving however the right at any time hereafter to sever said proceedings and to issue separate orders therein.

It is further ordered, That notice of said hearing is hereby given to Michigan Gas and Electric Company and The Middle West Corporation, their respective security holders, all States, municipalities and political subdivisions of States within which are located any of the physical assets of said companies, or under the laws of which any of said companies are incorporated, all State Commissions, State Securities Commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over Michigan Gas and Electric Company and The Middle West Corporation or over either of said companies or over any of the businesses, affairs, or operations of either of them; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Michigan Gas and Electric Company and The Middle West Corporation not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not less than fifteen days prior to the date hereinbefore fixed as the date of hearing.

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 20th day of August 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12614; Filed, August 3, 1943; 11:55 a. m.]

WAR PRODUCTION BOARD.

CLEVELAND PNEUMATIC AEROL, INC.

AMENDMENT OF ORDER REVOKING PREFERENCE RATINGS

Builder: Cleveland Pneumatic Aerol, Inc., 20001 Euclid Avenue, Cleveland, Ohio. Project: Facilities to manufacture aircraft landing gear struts identified as Plancor 1053; sponsored by the Navy Dept., Bureau of Aeronautics.

Pursuant to the provisions of paragraph Number 3 of the War Production Board order issued June 10, 1943 revoking preference ratings issued to the above builder, a determination has been made that certain machine tools are necessary for the purpose set forth in said paragraph Number 3.

It is therefore ordered, That the said War Production Board order issued June 10, 1943 revoking certain preference ratings issued to the above builder be and it hereby is amended as follows:

The revocation of ratings provided in paragraph 1, and the prohibition of construction and installation provided in paragraph 3, of said order are hereby revoked with respect to the machine tools set forth on the list marked Exhibit A attached hereto and made a part hereof, as though said order issued June 10, 1943 had specifically excepted said machine tools from the effect of the order;

The builder is hereby authorized to apply, and his suppliers to extend the ratings previously assigned to deliveries of the machine tools set forth on the said list attached hereto and marked Exhibit A, and the builder is hereby authorized to install the said machine tools in the above project, and to perform such construction as may be incidental to such installation: *Provided,* That such incidental construction shall not be in violation of the provisions of Conservation Order L-41 or the provisions of Preference Rating Order P-19-h builder's Serial Number 26247.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

1—#74 Heald Internal Grinder, 6" Hollow Head, ordered from the Heald Machine Company, Worcester, Mass., through their Cleveland office on Aerol order #536.
1—#74 Heald Internal Grinder, with Extended Bridge, ordered from Heald Machine Company, Worcester, Mass., through their Cleveland office on order #551.
1—#74 Heald Internal Grinder, 10" Hollow Head, ordered from Heald Machine Company, order #535.
1—#50 Internal Cylinder Grinder on order #1555, ordered from Heald Machine Company.
1—16-30 x 48 Norton External Grinder, Order #378 ordered from Motch and Merryweather, Cleveland, Ohio.
1—16-30 x 96 Norton External Grinder ordered from Motch and Merryweather on order #702.
3—20" Gap Norton External Grinders on Orders 409, 411 and 412 ordered from Motch and Merryweather.
1—16 x 72 Norton External Grinder, Order #AD-321, ordered from Motch and Merryweather.
1—5¾" Cleveland Automatic, ordered from Cleveland Automatic Machine Company, Cleveland, Ohio, Order #4.
2—4H-12 Libby Turret Lathes with fixed turrets, ordered from Strong, Carlisle and Hammond, Cleveland, Ohio, Order #186.
5—4H-12 Libby Gap Turret Lathes, 84" swing, order #273 from Strong, Carlisle and Hammond.
1—65" Barnes Honing Machine on order #27 ordered from William K. Stamets Company of Cleveland.
4—3A Carlton Radial Drills, 15" column, 4' Arm, 2 on order #197 and 2 on order #256, ordered from the J. C. Whitney Company of Cleveland.

[F. R. Doc. 43-12562; Filed, August 2, 1943; 4:44 p. m.]

WAR SHIPPING ADMINISTRATION.

VESSEL "CATALINA"

DETERMINATION OF OWNERSHIP REQUIREMENT

Notice is hereby given that, pursuant to section 3 (b) of Public Law 17, 78th Congress, the following determination has been made:

Whereas, on August 25, 1942, title to the S. S. *Catalina* (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, and

Whereas, section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Cong.), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

Whereas just compensation for the said vessel has not been determined by the Administrator, War Shipping Administration, and no part thereof has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, its spare parts and appurtenances, is not required by the United States; and

Whereas, by mutual agreement between the Administrator, War Shipping Administration, and Wilmington Transportation Company, the latter has consented to the determination by the Administrator that the use rather than the title of the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely, August 25, 1942;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above quoted provisions of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition on August 25, 1942 of the above mentioned vessel, its spare parts and appurtenances, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a requisition of the use rather than of the title of the said vessel, its spare parts and appurtenances, as of the date of the original taking, namely, August 25, 1942.

Dated: August 2, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 43-12569; Filed, August 3, 1943; 10:26 a. m.]

Lehman